

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA	*	
	*	CRIMINAL ACTION
v.	*	No. 21-10200-RGS
	*	
ABHIJIT DAS,	*	
a/k/a Beej Das	*	
	*	

\* \* \* \* \*

BEFORE THE HONORABLE RICHARD G. STEARNS  
UNITED STATES DISTRICT JUDGE and a JURY  
JURY TRIAL DAY 1  
October 2, 2023

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE, (By AUSA Neil J. Gallagher, Jr., and AUSA Elysa Q. Wan) 1 Courthouse Way, Suite 9200, Boston, Massachusetts, 02210, on behalf of the United States of America

WHITE & CASE, LLP, (By Michael Kendall, Esq., and Abigail Mahoney, Esq.) 75 State Street, Boston, Massachusetts, 02109-1814, on behalf of the Defendant

Courtroom No. 21  
1 Courthouse Way  
Boston, Massachusetts 02210

James P. Gibbons, RPR, RMR  
Official Court Reporter  
1 Courthouse Way, Suite 7205  
Boston, Massachusetts 02210  
jamesgibbonsrpr@gmail.com

## P R O C E E D I N G S

THE CLERK: All rise for the jury.

(Whereupon, the jury entered the courtroom.)

(Whereupon, the Court entered the courtroom.)

THE CLERK: Court is open. You may be seated.

THE COURT: Congratulations again, Jurors.

As promised, I have a few words by way of orientation for you before we begin the formal trial proceedings.

It is your duty as the jury to find the facts of the case from the evidence that will be presented during the trial. You, and you alone as the jurors, are the judges of the facts.

You will then have to apply to the facts you find the law as I will explain it to you. You must follow the law as I explain it whether you personally agree with the wisdom of the law or not.

The evidence from which you will find the facts will consist of principally the testimony of witnesses, but also documents and other things admitted as exhibits, and any facts over the course of the trial that the lawyers agree to or, as they would say, "stipulate" to.

Certain things are not evidence and should not be considered in reaching your verdict. Statements, arguments, and questions by lawyers are not evidence. They'll be helpful in setting the context for evidence, but they

1 themselves are not to be taken as points of evidence.

2 Similarly, objections to questions are not evidence.  
3 Lawyers have a duty to their clients to object when they  
4 believe that evidence being offered is improper under the  
5 rules of evidence. You should not be influenced by an  
6 objection or by any assertion of fact a question objected to  
7 might otherwise have contained. If I overrule an objection,  
8 treat the witness' answer as you would any other.

9 If I permit the question; that is, if I overrule the  
10 objection, again, treat the witness's answer as you would  
11 any other.

12 Testimony that I exclude or instruct you to disregard  
13 is not evidence and must not be considered by you in  
14 reaching your verdict.

15 If I instruct you that an item of evidence is received  
16 for a limited purpose, you may only consider that evidence  
17 for the purpose I define for you.

18 Anything that you may see or hear outside the courtroom  
19 is not evidence, and must be disregarded. You must decide  
20 the case based solely only on the evidence presented here in  
21 open court.

22 Now, there are two kinds of evidence in a trial. There  
23 is "direct" evidence and then there is so-called  
24 "circumstantial" evidence. That's a term that I know you  
25 have all heard but may not have a ready definition for.

1 Direct evidence is direct proof of a fact, usually  
2 presented through the testimony of a person who claims to  
3 have been an eyewitness to an event or a participant in a  
4 conversation.

5 When you evaluate direct evidence, your task is fairly  
6 straightforward: Do you believe that what the witness is  
7 telling you is true?

8 When you look at circumstantial evidence, the task is  
9 somewhat different. Circumstantial evidence is the proof of  
10 a chain of circumstances or set of facts from which you  
11 could infer or conclude that another fact is true even  
12 though you have no direct evidence of that fact.

13 To give a simple example, assume when Tim, the court  
14 clerk, arrived here this morning, he did not find me in my  
15 office, but he found my coat hanging in the closet, the work  
16 I had taken home over the weekend spread out on my desk,  
17 with a copy of this morning's newspaper and a cup of  
18 steaming coffee.

19 From these facts he could properly infer or conclude  
20 that even though he hadn't seen me I had already arrived for  
21 work and was simply somewhere else in the courthouse.

22 Despite what courtroom television drama likes to teach,  
23 the law draws no distinction between these two types of  
24 evidence. It doesn't consider one superior or inferior to  
25 the evidence. You may consider both direct and

1 circumstantial evidence in reaching your verdict, and you  
2 may give that evidence whatever weight you, as the jury,  
3 decide it deserves.

4 Now, in speaking with jurors after trials, I've learned  
5 to answer several questions right at the beginning.

6 "Will we have transcripts of witness testimony  
7 available for use during our deliberation?"

8 The answer is no. Not because we wouldn't make it  
9 available to you if we had it. Mr. Gibbons is keeping a  
10 record of the trial, which will become a permanent record of  
11 everything that is said during the trial, but he's doing it  
12 in shorthand, which, if you weren't trained as a court  
13 reporter, you couldn't read. So it's going to be some weeks  
14 before we actually have the transcripts.

15 "Well, if we won't have witness transcripts, can we  
16 take notes?"

17 Well, a good example of circumstantial evidence. I  
18 think Tim gave you all a notebook and a pen, so of course  
19 you can.

20 You do not have to take notes if you do not want to.  
21 The one thing I can promise you is that no one will ever  
22 look at the notes you keep unless you decide to share them  
23 with other jurors during deliberations.

24 At the conclusion of the trial, either take the  
25 notebook with you or, if you don't, Tim will shred it, and

1 any contents will be shred.

2 I mention this phenomenon of "sidebars," where judges  
3 huddle with the lawyers at the side of the bench. I do not  
4 permit them. Your time is too valuable. There's no reason  
5 that we can't do all of our business here in open court, and  
6 that's the way I prefer it. So there's not going to be the  
7 distractions of sidebar conferences except twice during the  
8 case where I am required by law to meet with the attorneys.  
9 But I try to schedule those two events when you're on a  
10 break or before or after the trial, so again there's no  
11 disruption in the flow of the trial itself.

12 Judging the credibility of the witness, I think, is the  
13 most important task that you have. It is up to you to  
14 decide which witnesses to believe, which witnesses not to  
15 believe, and how much of any witness' testimony to accept or  
16 reject.

17 In performing this task, there's certain tests that you  
18 will apply, which are pretty commonsensical: The confidence  
19 that the witness shows on the witness stand; his or her  
20 seeming intelligence; whether the witness was contradicted  
21 by anything that he or she said before the trial; whether  
22 the witness appears to have a motive or bias for testifying  
23 in a certain way; and whether his or her testimony seems  
24 probable or improbable in light of all the other facts in  
25 the case.

1           You may also consider the fact that someone may quite  
2           sincerely believe that something happened, or that they saw  
3           something, and just simply be mistaken as to what the truth  
4           actually was.

5           Because this is a criminal case, I explained the three  
6           rules that you must always keep in mind. The first is that  
7           the defendant is presumed innocent, and again that  
8           presumption lasts unless and until the government succeeds  
9           in proving his guilt beyond a reasonable doubt.

10          That burden, the burden of proof, is on the government  
11          throughout the trial. As I explained, the defendant has no  
12          burden in a criminal trial to prove anything.

13          And, third, the government must prove the defendant's  
14          guilt beyond a reasonable doubt. That is a much higher  
15          standard than the "preponderance of the evidence" or the  
16          "more likely than not" standard that we apply in civil  
17          cases.

18          Again, at the conclusion of the trial, I will give you  
19          the best definition I can of what we mean by "proof beyond a  
20          reasonable doubt." But, as I said, I think most of us have  
21          a pretty good intuitive understanding of what the burden is.

22          The way the case proceeds is, first, by way of opening  
23          statements. Each side is permitted to give an opening  
24          statement by way of a forecast or preview of the evidence  
25          that they believe will be offered during the case that is

1 supported of their position with respect to the Indictment.

2 These opening statements are not intended to be  
3 arguments. They're intended to be helpful to you, but the  
4 arguments you'll get to hear at the end of the case when the  
5 lawyers are free then to argue directly the inferences that  
6 they believe are supported by the evidence that is actually  
7 received during the trial.

8 Following these statements, we will begin with the  
9 witnesses in the case. We will hear the witnesses until  
10 each side has reached the end of their case, and at that  
11 point I will give you the instructions on the law. And my  
12 practice is to write out the instructions verbatim  
13 beforehand, so each of you will have a copy of the  
14 instructions which will both make it easier to follow along  
15 as I give them but also to consult in the jury room. So you  
16 can be confident that those will be with you in your  
17 deliberations.

18 Just a few words about your conduct as jurors.

19 First, I instruct you that you are not to discuss the  
20 case with each other or anyone else until we get to the  
21 deliberations at the end of the case. Now, don't make -- I  
22 don't want that to sound impossible. I know that you will  
23 be talking about the trial, since things will happen, and as  
24 normal human beings we're going to be conversing about what  
25 we see and what experience we're having.



1 But what we mean by this instruction is don't offer any  
2 opinion about anything conclusive in the case until you have  
3 heard all the evidence and have had a chance to hear what  
4 your fellow jurors think.

5 Until that point, keep an open mind and try to keep  
6 your opinions, as you develop opinions as the case goes on,  
7 but try to keep those for the deliberations.

8 Do not read or listen to anything that may be reported  
9 in the media about the case during the course of the trial.  
10 If you do encounter a newspaper or radio or television  
11 account of the trial, just turn away. At the end of the  
12 case, we'll have time to go back and look if we think that  
13 you missed anything. But the fact is you're going to know a  
14 lot more about the case than any reporter trying to tell a  
15 story to the public.

16 Third, I ask, and this is important in this day and  
17 age, please do not do any independent research of your own  
18 about the facts of the case. In this age of Google, it's  
19 always very tempting to go and try to do your own  
20 independent research about the facts of things. I ask that  
21 you don't do that because we all have to decide the case  
22 based on what we all hear collectively here in the  
23 courtroom.

24 We do some things that -- we try to make jury service  
25 as easy as we can for you.

1           Each morning, as today, we'll take a 25-minute break,  
2           usually around a quarter of eleven. We will have  
3           refreshments for you then. Today we have lunch for you at  
4           12:45.

5           I know how difficult commuting is now in Boston, as I  
6           have to confront it every day as well. Public  
7           transportation is not as reliable as it used to be. The  
8           highways are pretty congested. So to make life easier, we  
9           will put out a light breakfast for you at eight o'clock each  
10          morning so don't have to stop or worry about getting  
11          something to eat on your way into the courtroom. We will  
12          have that here for you.

13          If you wish to, you're welcome to bring in a bottle of  
14          water -- we'll make them available upstairs -- into the jury  
15          box. But that's the only liquid permitted in the courtroom.  
16          Not my rule. It's the General Services Administration.  
17          They actually run the building, and they're very jealous of  
18          their carpets, so water is the only thing that they permit  
19          in the courtroom itself.

20          I do know over the next week or two you will get a  
21          chance to look at this building. It is a magnificent  
22          courthouse. I served for a number of years on what was  
23          called the Space and Facilities Committee, which was the  
24          committee that oversees all courthouse construction and  
25          renovation nationally. So I have seen lots of courthouses.

1 And I'm not embarrassed to say -- in fact, I'm rather proud  
2 of the fact -- that this is, I think, the most beautiful and  
3 functional of the modern courthouses in the federal system.

4 It was opened in 1998 and dedicated in the memory of  
5 Congressman Joseph Moakley, who was the driving force -- he  
6 and Mayor Menino were the real driving force behind locating  
7 the courthouse here in what used to be an empty lot. There  
8 was almost nothing in this area. It's now hard to believe  
9 what has happened in the last 20 years with the development  
10 of the Seaport District.

11 Before this -- obviously this was not our first  
12 courthouse. In fact, this court is one of the oldest --  
13 it's either the third or possibly the second -- but at least  
14 the third oldest court in the federal system. It dates back  
15 to 1789, the very beginning of the constitutional period of  
16 the U.S. Government.

17 The first courthouse was actually not a courthouse. It  
18 was actually located in a tavern called the "Bunch of  
19 Grapes," which was, I think as best I can tell, it's long  
20 gone, is where essentially Congress and State Street  
21 intersect in Boston itself.

22 Judge Lowell was the first judge. For a century there  
23 was only one judge in this court appointed federally. He  
24 thought that was somewhat undignified, for evident reasons,  
25 and moved the courthouse to Salem, Massachusetts.

1           Why Salem?

2           Well, Salem at the time was the richest seaport in the  
3 world because almost everything imported into the United  
4 States from Europe or Asia came through Salem, Salem being a  
5 day closer to Europe than New York or Boston. Not the  
6 greatest harbor, but in terms of proximity it was the most  
7 convenient harbor to use.

8           The court sat there. Judge Lowell actually left after  
9 a year after moving the courthouse to Salem and was  
10 succeeded by Judge Dodge, and then for the next century we  
11 go back and forth between Lowells and Dodges basically  
12 heading the court, but again one judge sitting.

13           Judge Dodge left Salem in the beginning of the War of  
14 1812 because he had been threatened with being kidnapped by  
15 the British and thought it was unsafe, so he came back to  
16 Boston temporarily, and the Boston courthouse, such as it  
17 was in those days, remained the locus of the court.

18           Why did they not go back to Salem? The very simple  
19 answer was the Erie Canal. The Erie Canal began  
20 construction in 1815. Once the Canal was opened, it was  
21 easier to ship goods to New York, and then you had canal  
22 service all the way to the Great Lakes.

23           So Salem basically had its day.

24           Nathaniel Hawthorne was still up there in the 1840s as  
25 a Customs inspector writing books, the Scarlet Letter, but

1 eventually Salem sort of faded from view.

2 It was important though because the early United States  
3 government depended entirely on Customs fees for its income.  
4 It was 95 percent of all the income the government had. We  
5 were actually an admiralty court more than anything else.  
6 Most of the cases the early court heard involved shipping,  
7 admiralty, and Customs cases.

8 We were in Post Office Square, and then this courthouse  
9 was constructed.

10 Harry Cobb was the architect, one of I.M. Pei's  
11 partners. The Pei Partnership has put its mark around the  
12 world, but certainly on Boston: The Christian Science  
13 Center, the Kennedy Library, the Hancock Tower. Further  
14 afield, the Rock and Roll Hall of Fame, the East Wing of the  
15 National Gallery in Washington. If you've been to Paris,  
16 that ingenious glass pyramid outside the Louvre is an I.M.  
17 Pei work.

18 He did what I wish architects would do more often, is  
19 that he spent a year talking to judges, lawyers, people who  
20 use courthouses, and the public. What did you want? What  
21 did you want to see in a courthouse?

22 And the design he came up with I think is brilliant.  
23 We have essentially three courthouse built into one. We  
24 have the public courthouse, which is the atrium and  
25 signature conoid glass wall, ten stories high, the largest

1 ever successfully constructed in the world. They're usually  
2 unsuccessful because glass is a very heavy medium. It tends  
3 to collapse. But he came up with an ingenious trussing  
4 system that keeps it in place.

5 Behind us is a second courthouse which is accessible to  
6 only judges, law clerks, and jurors.

7 And behind there is a system where essentially  
8 prisoners are transported to and from courtrooms by the  
9 marshals. The idea is that there is no intersection.  
10 People do not cross paths except here in the courtroom  
11 itself.

12 The signature themes of the courthouse are a blend of  
13 Old New England.

14 The beehive brick entrance that you came through into  
15 the courtroom was actually copied from a courtroom in  
16 Wiscasset, Maine.

17 Cobb chose it for its old New England distinctiveness,  
18 but then discovered there was only one mason alive in  
19 America who still knew how to do that brickwork. As it  
20 happened, he was retired in Maine, was persuaded to come to  
21 Boston, and trained a whole group of apprentice masons in  
22 how to do this kind of work. So we got not only the benefit  
23 of the architectural feature but also kept this one  
24 particular craft alive.

25 The decorating around the courtroom, that's copied from

1 a courthouse in Vermont. Every courtroom has this same  
2 theme, just different colors.

3 The benches are again copied after a Shaker style. I'm  
4 sorry they're so uncomfortable, but that was the Shaker  
5 style. It was, I think, to make you pay more attention by  
6 not getting too comfortable as observers in the courtroom.

7 And then, of course, there's the blend of the modern.  
8 You have the Old New England and the ultra modern New  
9 England on the other side facing Boston Harbor; a modest  
10 front looking at the old factory district in the Seaport,  
11 and then a soaring historic glass wall facing the harbor  
12 itself.

13 The other thing I will mention, and then I'll let the  
14 lawyers go on to do their work, is that there is a  
15 collection, and you saw it coming in, of Ellsworth Kelly  
16 installations. Ellsworth Kelly -- and these are the colored  
17 panels that you'll find in the rotunda and at the end of  
18 each of the courtroom floors, which is the third, fifth, and  
19 seventh floor.

20 Kelly died I think a year-and-a-half ago, Paris trained  
21 and the founder of what is called the hard-edged or  
22 minimalist school of art, which is essentially best known by  
23 its fascination of geographic shapes and a real passion for  
24 national color.

25 When these installations first appeared -- and the

1 reason we have them in the courthouse is that in federal  
2 construction you're required to put a certain percentage of  
3 the budget into public art that is otherwise accessible to  
4 the public.

5 The Kelly artwork was chosen by Justice Breyer on the  
6 Supreme Court, who was very involved in this building, and  
7 Judge Woodlock, who was also one of the planners. He worked  
8 with Cobb in bringing the building together.

9 And I have to say -- this is perhaps more a reflection  
10 on me than anything -- when I first saw them, my first  
11 reaction was, This can't be art because I could do it. If I  
12 could do it, it can't be art.

13 Then I realized I couldn't have done it. If you had  
14 sent me out to buy art for this building, I would have come  
15 back with some insipid old paintings of ships that would  
16 catch your interest for about ten minutes; whereas, I find  
17 these Kellys, now that I understand them and I understand  
18 what he was trying to do by putting a sense of modernness  
19 color into the courthouse, I find them fascinating. But I  
20 will leave it for you to decide whether you think it's art  
21 or not. We can talk about it at the end of the trial.

22 I do want to mention one more thing because you will  
23 see it. At the bottom of the elevators there is big plaque  
24 with a thousand names on it. Those are the names of every  
25 workperson who built this building. And I will guarantee



1 you during the two weeks you're here you're going to see  
2 someone down there with their grandchildren and children  
3 going up and pointing out their name on the wall because  
4 they are very proud of the courthouse, as we are.

5 So that is, by way of introduction, what I wanted to  
6 tell you. The more important things now are going to be  
7 told to you by the lawyers.

8 We are going to begin with the opening statements. The  
9 government will go first, followed by Mr. Kendall for  
10 Mr. Das.

11 Mr. Gallagher or Ms. Wan?

12 MS. WAN: I will, your Honor.

13 THE COURT: Very well, Ms. Wan, you may address the  
14 jurors.

15 OPENING STATEMENT ON BEHALF OF THE GOVERNMENT

16 MS. WAN: Good morning, everyone.

17 The defendant, Abhijit Das, or "Beej" Das, ran for U.S.  
18 Congress to represent Massachusetts' Third District, but  
19 instead of running an honest campaign, the defendant  
20 violated federal election laws for his own personal gain.

21 Now, the defendant told voters that he was a successful  
22 businessman. He owned a hotel in Tyngsborough,  
23 Massachusetts called the Stonehedge Inn.

24 He owned another hotel in Brunswick, Maine, and a 108  
25 foot megayacht that used to be docked right here in Boston

1 Harbor. He chartered that yacht for private clients.

2 But you will learn that all of this was a facade. The  
3 defendant's businesses were underwater. He was behind on  
4 payments, and creditors threatened to turn off the lights or  
5 to foreclose on the properties. His accounts for his hotel  
6 and yacht were often overdrafted, and his hotel employees  
7 had a hard time getting paid.

8 His parents, who had the financial means to support  
9 him, often stepped in. They transferred tens of thousands  
10 of dollars into his accounts, his bank accounts, to cover  
11 yacht bills and hotel bills.

12 You will also learn that the defendant boasted that he  
13 was a constitutional lawyer. He had gone to the University  
14 of Michigan Law School, and after that he worked for a  
15 federal judge in Maryland.

16 But you will learn that instead of practicing the law,  
17 the defendant broke the law, and he did so in three  
18 principal ways.

19 First, he accepted excessive contributions, campaign  
20 contributions that were over \$100,000 over the federal  
21 limit. And he funneled that money through his parents'  
22 account to make it look like it was his own money.

23 Second, the defendant syphoned \$300,000 from his  
24 campaign to spend on his hotel and his yacht.

25 And, third, the defendant was not truthful in filings

1 with the FEC, or Federal Elections Committee. He covered up  
2 the fact that he accepted those excessive contributions and  
3 stole campaign funds.

4 Now, the evidence of the defendant's guilt will come to  
5 you in various ways. You will hear testimony from the  
6 defendant's campaign staff, from his business associates,  
7 and also bank employees, as well as FBI investigators.

8 You will also get a chance to review documents such as  
9 emails, text messages, bank records. But right now let me  
10 summarize the evidence that you will hear about each of  
11 these three crimes, starting with excessive and conduit  
12 contributions.

13 You will learn that there are straightforward rules  
14 governing how much an individual can contribute to a  
15 congressional campaign. And the evidence will show that  
16 those limits are in place to prevent wealthy individuals  
17 from having an outside effect on our elections.

18 You'll learn that for the 2017 to 2018 election cycle  
19 an individual could contribute up to \$2,700 for a primary,  
20 and \$5,400 for the primary and general elections combined.  
21 This applies to donations. It applies to loans. It applies  
22 to anything of value that's given to a campaign to influence  
23 an election, or, in other words, to help the candidate win.

24 On the other hand, you will learn that there is no  
25 limit to the amount a candidate can loan or contribute to

1 his own campaign. But those funds must be the candidate's  
2 personal funds. It can't be money from other sources  
3 disguised to look like the candidate's own money. That's  
4 cheating, and that's a crime. It's called "conduit  
5 contributions," and it means causing contributions to be  
6 submitted in the name of someone who is not the true donor.

7 The evidence will show that the defendant knew these  
8 rules, but he still solicited and accepted excessive  
9 contributions from three individuals who gave \$25,000,  
10 \$50,000, and \$50,000, each. And he hid the identity of  
11 those true donors to make it look like those funds came from  
12 his personal funds.

13 Those true donors were Toby Chaudhuri, Jay Shah, and  
14 Ajoy Bose.

15 Toby Chaudhuri was a childhood friend of the  
16 defendant's and a political consultant who worked on various  
17 campaigns and political administrations.

18 Jay Shah was a wealthy businessman and a business  
19 associate of the defendant. He owns a portfolio of hotels  
20 and is the CEO of a publicly traded company.

21 And Ajoy Bose, you will learn, was long-time family  
22 friend who lived in California.

23 Chaudhuri gave \$50,000. Jay Shah gave \$50,000, and  
24 Bose gave \$25,000, and the defendant hid the illegal nature  
25 of these donations by funneling the money through his

1 parents' bank account to make them look like it was his  
2 family's money.

3 Now, to understand the conduct, let's go back to August  
4 of 2017. That's when the Congresswoman for Massachusetts'  
5 Third District announced her retirement. Soon, ten  
6 different candidates jumped into the election, including the  
7 defendant, who announced his candidacy in September of 2017.

8 He began to assemble a political team, including a team  
9 of political advisers. And although he was advised to hire  
10 a campaign finance manager and an election lawyer, he  
11 didn't. He said it was too expensive.

12 One of the first things his political consultants told  
13 the defendant was that he would need to raise a significant  
14 amount of money for a successful congressional run, and that  
15 first quarter of fundraising, which ended December 31, 2017,  
16 was particularly important. That's because in an election  
17 like this there wouldn't be a lot of polling, but every  
18 single candidate had to report their fundraising totals to  
19 the FEC, the Federal Elections Committee, and the public and  
20 the press would use those fundraising totals to measure a  
21 campaign's success, viability, and a candidate's popularity.

22 Without enough money, the defendant believed that if he  
23 did not reach his fundraising goals, his campaign would be  
24 doomed.

25 The defendant said it himself in an email to Ajoy Bose

1       dated December 11, 2017, in which he asked for financial  
2       support. He wrote, "12-31 is the one and only test of  
3       financial viability that my campaign will likely face. If  
4       we meet our financial goals for this quarter, we will be  
5       considered the front runner and follow on contributions from  
6       further afield will flow."

7       The defendant's personal goal for the year-end quarter  
8       was \$450,000. That's how much he wanted to raise. But the  
9       evidence will show that the defendant was a poor fundraiser,  
10      partly because he did not prioritize the time-consuming and  
11      humbling task of calling potential donors and asking for  
12      contributions.

13      By mid December, with only two weeks left before that  
14      year-end deadline, he'd only raised about \$50,000. That's  
15      when he had a late-night conversation with his childhood  
16      friend and political adviser Toby Chaudhuri. He told him  
17      that the campaign needed more money; that he's getting  
18      significant sums of money from his parents, but it would not  
19      be enough to reach his end-of-the-year goals. So he asked  
20      Mr. Chaudhuri for a \$50,000 short-term loan.

21      Now, this is a critical moment because the evidence  
22      will show that the defendant knew that this was 18 times  
23      greater than the federal contribution limit. The defendant  
24      knew because he often talked about this maximum contribution  
25      limit with his political advisers. He talked about it with

1 potential donors who he emailed and asked to make the  
2 maximum contribution, and you will get to see those emails.

3 The evidence will show that the defendant knew exactly  
4 what he was doing, and he knew it was wrong.

5 And Mr. Chaudhuri will tell you that he also knew it  
6 was wrong; that even though he knew it was wrong, he caved  
7 to the defendant's pressure and he gave him the money.

8 Now, you'll get to hear from Mr. Chaudhuri, and you'll  
9 learn that when he was first approached by FBI agents as  
10 part of this investigation, he was scared, he was ashamed,  
11 and he tried to lie his way out of it. He told them that he  
12 was never the defendant's political adviser, and when he was  
13 asked about the \$50,000 loan to the defendant, he said it  
14 had nothing to do with the campaign.

15 Mr. Chaudhuri later got a lawyer, who negotiated an  
16 agreement with the government, we call it an "immunity  
17 agreement," in which the government promised not to use  
18 Mr. Chaudhuri's words against him. And Mr. Chaudhuri is now  
19 testifying as part of that immunity agreement, in which he's  
20 required to provide truthful cooperation.

21 The defendant also asked for \$50,000 from Jay Shah.  
22 This is the hotel executive. And you will see in this email  
23 dated December 17, 2017, that the defendant is telling  
24 Mr. Shah that he's canceling a campaign fundraiser in New  
25 York City. And then he asks for a phone call. He says,

1 "Toby and I are discussing what we need to do to get over  
2 that \$450,000 level by 12-31 even with some engineering."

3 Now, the evidence will show that the "engineering" the  
4 defendant is talking about is engineering to get around the  
5 campaign contribution limits. And that engineering would  
6 include funneling the money through his parents' account and  
7 setting up a sham contract between Jay Shah and the  
8 defendant's mother that makes it look like it was a personal  
9 loan.

10 There was a third donor, Ajoy Bose, the family friend  
11 in California. And he was asked to give \$25,000 on top of  
12 the maximum contribution from him and his wife.

13 Now, the defendant referenced these three excessive  
14 contributions in a text message with Mr. Chaudhuri. This  
15 was sent right after Mr. Chaudhuri had told the defendant  
16 that he wired his \$50,000. And the defendant writes, "Thank  
17 you for doing it. I will aggregate and send as one batch.  
18 Total," quote/unquotes, "'self-fund' will be close to  
19 \$250,000."

20 Now the defendant's own words "self-fund" are important  
21 here for two different reasons. First, the defendant knew  
22 that legally there was no limit to the amount a candidate  
23 could contribute or donate to his campaign. There is no  
24 limit to the amount a candidate could self-fund.

25 Second, by putting quotation marks around the term



1 "self-fund," the evidence shows that the defendant knew that  
2 this self-fund was in fact a fraud and not a self-fund at  
3 all.

4 So to aggregate these excessive contributions and make  
5 it look like he was self-funding his campaign, the defendant  
6 instructed each of these three donors to wire the money to  
7 his parents' account, not the defendant's own account, and  
8 certainly not the campaign accounts.

9 And you'll see that the evidence will make it clear  
10 that these are campaign contributions because these -- the  
11 purpose of these contributions was to support the campaign,  
12 to make it seem like the defendant had a high fundraising  
13 number, and to make it seem like the defendant was a viable  
14 congressional candidate.

15 First, you'll hear from Chaudhuri and Shah who will  
16 tell you that these were funds given to the campaign.

17 Next, you will see emails from his campaign, from his  
18 email account, to each of these three donors talking about  
19 the campaign. He's asking for money for the campaign. He's  
20 not asking for money for his hotel business. He's not  
21 asking for money for his yacht business.

22 And finally, the timing of each of these contributions  
23 will make it clear that these are campaign contributions.  
24 You can see that each of these contributions all arrived in  
25 the parents' account within about a day of each other, on

1 December 27 and 28, just days before that year-end deadline.  
2 A hundred twenty-five thousand dollars from these three  
3 donors. The parents took that money and added \$50,000 of  
4 their own money, and that same day transferred the money to  
5 a joint account held by the defendant and his mother.

6 Now, that very same day, still on December 28, the  
7 defendant and his mother's joint account transfers \$170,000  
8 to the Das for Congress campaign account, and in this way  
9 the defendant engineered these excessive contributions by  
10 funneling the money through his parents' accounts to make it  
11 seem like this was his own personal funds.

12 Let me pause here for a second to talk about the  
13 \$50,000 that the defendant's parents added to these  
14 excessive contributions.

15 The evidence will show that the defendant's parents  
16 gave a significant amount of money that was used for the  
17 campaign, but the evidence will also show that that money  
18 from his parents was not enough to meet the defendant's  
19 fundraising goals. He needed this boost from these three  
20 donors and these three excessive contributions.

21 The evidence will also show that the defendant's  
22 engineered first-quarter fundraising was quite impressive.  
23 He proudly announced on January 16, 2018, that Beej Das  
24 raised \$425,000 in the first fundraising quarter. And you  
25 will learn that this put him third in a crowded field in the

1 primary election. And he'd actually raised more than the  
2 person who eventually won the campaign seat.

3 What people did not know was that a quarter of these  
4 funds came from illegal excessive contributions, and he  
5 could not have reached this goal without those excessive  
6 hidden contributions, which brings us to the second part of  
7 the defendant's illegal scheme, theft of campaign funds.

8 You will learn that political candidates cannot use  
9 campaign funds for their own personal use. But the  
10 defendant withdrew \$314,000 from his campaign funds to spend  
11 on his hotel and his yacht businesses.

12 In early 2018 the defendant's businesses were  
13 hemorrhaging cash, and they were in serious danger of going  
14 under.

15 Around that same time, tellers at Lowell Bank --  
16 Lowell Five Bank, noticed that the defendant was asking for  
17 strange transactions, transactions that they thought didn't  
18 make sense. He was asking them to take out large sums of  
19 money as cash and then immediately deposit that cash into  
20 his business account. So he would take out money from the  
21 campaign and deposit it into his business account.

22 He made it clear that he didn't actually want any of  
23 the cash and he didn't want it to appear as a transfer. He  
24 told them time and time again, Make sure that these  
25 transactions are not linked. Make sure that these are

1 separate transactions.

2 And here's an example on March 26, 2018, where the  
3 defendant is taking out \$20,000 from his campaign account.  
4 And you'll see that about a minute later \$20,000 goes into  
5 his hotel account.

6 The defendant asked tellers to make sure that the  
7 withdrawal slips did not show any transfer information, and  
8 if he saw them writing the transfer information, he'd ask  
9 them to redo the withdrawal slips.

10 So the tellers starting writing the transfer  
11 information on the slips after the defendant left the bank,  
12 and they also reported the defendant's transaction to their  
13 compliance department.

14 Now, an FBI forensic accountant will tell you that  
15 almost all of the funds withdrawn from the campaign account  
16 went into the defendant's hotel and yacht business accounts.  
17 And from there the funds were spent on business expenses.

18 This is just one example, where the defendant withdrew  
19 \$35,000 from his campaign account and used that money to  
20 purchase a treasurer's check to the Town of Brunswick.  
21 You'll learn that this check was used to pay off a tax lien  
22 for the Maine hotel that was so overdue that the Town of  
23 Brunswick threatened to foreclose on the property.

24 Other examples of his spending include paychecks to  
25 hotel employees, other tax payments, new parts for his

1 yacht, bills for drink and food vendors at the hotel  
2 restaurant, and electric and other utility bills, and  
3 insurance payments.

4 The defendant also instructed Sean Smith, who was the  
5 operations director for his hotel, to make similar  
6 withdrawals and deposits. And Mr. Smith will tell you that  
7 during one of the first transactions he asked the defendant,  
8 Is this okay? Is this aboveboard, that we're taking money  
9 from the campaign and using it for the hotel expenses?

10 And the defendant assured him that it was because he  
11 was just repaying money that the defendant had loaned to his  
12 campaign.

13 But the evidence will show that that was not true, that  
14 that was actually a cover story to hide the defendant's  
15 illegal scheme.

16 The defendant and Sean Smith withdrew money from the  
17 campaign account about two dozen times. Sometimes they took  
18 money out several times a week. And the total that they  
19 took out was \$314,000.

20 On the other hand, the defendant claimed that he had  
21 contributed or loaned his campaign about \$272,000. And you  
22 will see that part of that came from contributions from Das  
23 and his parents, and another part of that was those  
24 excessive contributions from those three individuals.

25 Well, the problem is you can't pay yourself back more

1       than you borrowed.

2               So after he repaid his loans, the \$147,000 shown in  
3       blue, the defendant kept taking out money. He took out  
4       money covering those excessive contributions, even though  
5       Toby Chaudhuri will tell you that the money he gave to the  
6       defendant was for the campaign. It wasn't for the hotel.  
7       It wasn't for the yacht business. And in the end, the  
8       defendant was taking out money that he got in from  
9       individual contributors. People who'd given 20, 100, 200  
10      dollars. And those people had no idea that their political  
11      contributions were going to pay for defendant's hotel and  
12      the defendant's yacht.

13             The defendant stopped making withdrawals after his  
14      campaign account was almost completely drained. With two  
15      months left before the primary election, he had less than  
16      \$5,000 left in campaign funds.

17             Which brings us to the third and last part of the  
18      defendant's illegal scheme; concealing material facts and  
19      making false statements in filings to the Federal Election  
20      Committee.

21             You will learn that campaign finance data must be  
22      reported on a quarterly basis to the FEC by every  
23      congressional candidate. This includes donations, who made  
24      the donations, how much they made, when they made them. It  
25      also includes any loans or repayments of the loans,

1 including loans from the candidate.

2 Candidates also have to report their expenses, how much  
3 they spent out of their campaign accounts, and "cash on  
4 hand," which means how much money they had available in  
5 their coffers.

6 The defendant caused the Das for Congress campaign to  
7 submit false reports that did not disclose that they had  
8 received \$125,000 in excessive contributions, and it also  
9 misstated the cash on hand for March and June of 2018.

10 This chart shows in orange exactly what the campaign  
11 reported to the FEC; whereas, the black line shows the  
12 actual balance of the campaign account. And you'll see that  
13 in March of 2018 the campaign reported 398,000 in cash on  
14 hand; whereas, the campaign balance was only 107,000.

15 In June the campaign reported 439,000; whereas, the  
16 truth was the campaign had less than \$5,000 in their  
17 campaign account.

18 Now, the first two FEC reports were submitted by Eric  
19 Chast, the defendant's fundraising director. And you'll  
20 hear from Mr. Chast that he repeatedly asked the defendant  
21 for access to the bank accounts so he could fill out the  
22 forms. But the defendant never provided any bank account  
23 access or any statements.

24 Instead, Chast input information provided by the  
25 defendant. The defendant provided a list of checks and a

1 list of the campaign expenses.

2 The defendant did not tell Mr. Chast about the \$125,000  
3 he took from those three donors, and the defendant did not  
4 tell Mr. Chast that he took out funds for his hotel and  
5 yacht business.

6 The defendant hid these facts for one simple reason;  
7 because he knew he was committing a crime. Here's an email  
8 from the defendant to Eric Chast that shows the limited  
9 amount of information he provided. You'll note that this  
10 email was sent at around 2:44 a.m. the day before the FEC  
11 filings were due.

12 The defendant writes, "Eric, the following were cash  
13 loans from Abhijit Das," himself, "to Beej Das for Congress  
14 in December. And he lists out three different loans.

15 For the first and the last loan, you'll learn that that  
16 was money that came from the defendant and his parents, but  
17 that loan in the middle, the 12/28/2017 loan for \$1700, that  
18 was the loan that included those excessive contributions  
19 from those three individuals, from Chaudhuri, Bose, and  
20 Shah. And here the defendant is misleading Eric Chast about  
21 the source of those funds because he says that that loan  
22 came from himself, Abhijit Das.

23 Now, you'll learn that Chast relied on this information  
24 from the defendant to calculate -- to fill out the FEC forms  
25 and to calculate the cash on hand. And Chast also asked the



1 defendant to review the reports before they were submitted.

2 All of the FEC reports were signed by the campaign  
3 treasurer, Sean Smith.

4 Now, you'll remember Sean Smith. He's the director of  
5 operations for the defendant's hotels. And he'll tell you  
6 that he was the campaign treasurer on paper only. In  
7 reality, he had nothing to do with the campaign. He did not  
8 access the campaign bank account. He did not review the FEC  
9 filings before they were filed. In fact, for the September  
10 2018 report, the defendant told Mr. Smith that it was  
11 paperwork to wind down the campaign. And he slid the  
12 paperwork across the desk, and Mr. Smith signed the  
13 paperwork without looking to see what it was because he  
14 trusted the defendant.

15 Now, neither Chast nor Smith knew that the FEC reports  
16 were false. But the evidence will show that the defendant  
17 knew because the defendant was the one who accepted those  
18 executive contributions. The defendant was the one who  
19 syphoned money from his campaign account into his  
20 businesses, and the defendant was the one who was asked to  
21 review the FEC reports before they were filed.

22 The truth is, if the defendant had -- the truth is the  
23 defendant had to mislead the FEC. Because if he was  
24 truthful about the campaign's contributions, he would have  
25 had to disclose those excessive contributions. And if he

1 was truthful about the campaign spending, he would have had  
2 to disclose that he used campaign funds for hotel and yacht  
3 expenses.

4 The defendant was untruthful to the FEC because the  
5 truth was he engineered conduit excessive contributions, and  
6 he stole campaign funds.

7 And the evidence will show that the defendant knew what  
8 he was doing. He knew it was unlawful. And he did it  
9 anyway, and then he tried to hide the fact that he had done  
10 it.

11 And for that reason, at the end of the case, after you  
12 hear all the testimony, review the records and apply your  
13 good, common sense, we will ask you to return the only  
14 verdict supported by the evidence, and that's a verdict of  
15 "guilty" on all counts.

16 Thank you.

17 THE COURT: Thank you, Ms. Wan.

18 Mr. Kendall or Ms. Mahoney?

19 MR. KENDALL: Thank you, your Honor.

20 MR. GALLAGHER: Your Honor, may I have a second  
21 with Mr. Kendall before he begins?

22 THE COURT: Sure.

23 (Counsel conferred.)

24 MR. GALLAGHER: Your Honor, we have two objections  
25 to two exhibits. Can I hand them up to the Court?

1 THE COURT: All right.

2 MR. GALLAGHER: On hearsay and relevance grounds.

3 MR. KENDALL: Your Honor, one of them is about four  
4 pages. I'm only using a paragraph. It might be helpful if  
5 I point it out.

6 THE COURT: The opening paragraph?

7 MR. KENDALL: No. It's in the middle of it. It's  
8 "promise, rewards and inducements," that I want to recite.

9 (Pause in proceedings.)

10 THE COURT: Fair enough. You can use it.

11 MR. KENDALL: Excuse me?

12 THE COURT: The objection's overruled.

13 MR. KENDALL: Your Honor, the timeline's not much.  
14 It may not be in your view, but I think this is the best  
15 spot for it.

16 THE COURT: All right.

17 (Pause in proceedings.)

18 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

19 MR. KENDALL: Good morning.

20 If we could have the first slide, please.

21 Over the next 30 minutes, I want to cover four topics.  
22 One is knowledge and intent, particularly my client's  
23 knowledge and intent. Then I will go through the three  
24 topics that my colleague here raised, the loans, the alleged  
25 conversion, or theft, and reporting.

1 I want to focus on knowledge and intent. Because when  
2 the government brings a criminal prosecution based on the  
3 campaign rules, it carries a very heavy burden. It has to  
4 prove for each charge not only that Mr. Das broke the law,  
5 broke the rules, but he did so with the intent and knowledge  
6 to break the law.

7 So as you listen to the evidence, ask yourself, What  
8 does this prove about intent? What's shown about knowledge?  
9 Is the government taking perfectly legal appropriate actions  
10 and trying to twist them and present them in an inaccurate  
11 way, or is the evidence more persuasive?

12 Because what's so remarkable about the government's  
13 description of the evidence is how little it said about  
14 intent and knowledge. They want you to pass judgment on  
15 Mr. Das, to judge his intent and knowledge, even though  
16 you've never met him and you do not know much about him.

17 So to do your job, you will need to know a lot more  
18 about what Mr. Das said and thought and did.

19 You will also need to know about his family and what  
20 they did. You will need to know about his hotel business  
21 and the impact that it had on the campaign. And for all of  
22 these subjects, you will need to know a lot more than what  
23 the government intends to show you.

24 This is a timeline (indicating). You may want to refer  
25 to it, or we may use it during the trial, but it's just to

1 keep a few dates in order.

2 Our first topic is the loans from the three family  
3 friends. Mr. Das and his parents asked their friends for  
4 personal loans that they intended to put into a rainy-day  
5 fund to cover problems at the hotels. The Das family had  
6 their own separate family money to loan to the campaign.  
7 Under the rules, a candidate can lend as much money as they  
8 want, as you heard. The Das family intended to get their  
9 campaign money from a condominium they sold in India, and  
10 from nearly one million dollars in cash in their own bank  
11 accounts and investments. To be more precise, it was  
12 \$972,000.

13 Mr. Das discussed this with Mr. Chaudhuri. What would  
14 be the legal way to structure the loan to the campaign so  
15 they could do it correctly?

16 And if Mr. Das's mother, who is a professor -- she's  
17 Dr. Das -- she hadn't mistakenly moved \$79,000 from the  
18 wrong bank account, these loans never would have been an  
19 issue in this case.

20 The campaign rules are highly technical and very  
21 unique. The campaign laws are enforced at two levels. The  
22 FEC, or Federal Election Commission, enforces them at a  
23 civil, non-criminal level. And they oversee a lot of the  
24 filings and paperwork that you will hear about. But they  
25 only regulate election matters. They don't regulate loans

1 to a private business, or personal loans to a candidate's  
2 mother for her business investment.

3 So first let's talk about the background of Mr. Das and  
4 the evidence on the three loans.

5 He grew up in North Andover. He went to law school,  
6 but he never worked with campaign laws, and he don't know  
7 anything about them before the campaign.

8 In 2007 he stopped working as a lawyer and went to work  
9 for Hilton Hotels in India. He worked there and was quite  
10 successful as an employee of a big company.

11 But if you want to understand about these three loans,  
12 you should understand some things about his family and  
13 cultural background. While he was working in India, his  
14 parents were still in North Andover, and both were past 70  
15 years old. His parents are now well into their 80s. They  
16 moved from India to Massachusetts, and they're from a group  
17 in India known as Bengalis.

18 Bengalis come from the eastern part of India. Bengali  
19 families are known for pride of education. Dr. Das is a  
20 professor, retired from a university, and they're very  
21 close. The families are extremely close. Children grow up,  
22 but they don't grow away from their parents. Adult children  
23 show their parents great respect and deference. Because  
24 Mr. Das was their only child, and he's not married and he  
25 didn't have his own children, they are a particularly close

1 and dedicated nuclear family. They have each other, the  
2 three of them.

3 So in 2012 Mr. Das left his job in India, moved back to  
4 his parents' house in North Andover, and the three of them  
5 decided to start a family business opening small boutique  
6 hotels. Mr. Das wanted to go from being an employee to  
7 being an entrepreneur. His parents had left their entire  
8 estate to him in their wills, so they agreed to use his  
9 inheritance to finance this hotel business. His parents  
10 wanted to be involved and help their son build a business.  
11 It could be a legacy they accomplished with him.

12 The Das family owned about 40 percent of this hotel  
13 business, and their family and friends were investors who  
14 owned the other 60 percent.

15 Those numbers are important. They owned 40. Their  
16 family and friends owned 60 percent.

17 This was a true mom-and-pop business. They bought  
18 hotels that were nice, but they were old, and if you've ever  
19 owned an old building, you know what maintenance problems  
20 are.

21 The hotels quickly ran into trouble. In 2015 and 2016  
22 pipes burst in the winter. There was incredible flooding.  
23 Hundreds of thousands of dollars of lost income, plus  
24 damage. The Das family had to loan the hotel hundreds of  
25 thousands of dollars to keep the business going. And even

1       though they only owned 40 percent of the hotel, they did  
2       100 percent of the lending. It was family and friends who  
3       were the investors. There was a sense of being protective  
4       about people who do business with them. And during the  
5       times that the hotels were shut down, some for months at a  
6       time, they paid all their employees, and they paid them  
7       their health care.

8           I'd like to say they're old school when it comes to  
9       their business, but they had to borrow money to do that, to  
10      pay the salaries and health care and other things, and they  
11      were paying as high as 12 percent interest on loans. That  
12      was a time when mortgage rates were 4 percent.

13           As many of you know, owning a small family business can  
14      be very tough.

15           In 2017 Mr. Das made the worst decision of his life.  
16      One that he owns. One that he accepts the failure and  
17      problems that came from it.

18           He thought the hotels might be in better shape. That  
19      is when he made a decision that, today in hindsight, looks  
20      so foolish. When the Congresswoman from Lowell announced  
21      she was retiring, he saw this as an opportunity to fulfill  
22      several dreams. If he ran for Congress, he could push for  
23      the issues he believed in; health care, protecting small  
24      businesses. He could become the leader of the Indian  
25      community in the United States.



1           Though technically anybody can run for office in the  
2           United States, in reality most political campaigns are for  
3           people with lots of money, lots of money, and a team of  
4           highly experienced political consultants.

5           Mr. Das had a naive but honest plan. He thought he  
6           could put the money his family borrowed into a rainy-day  
7           fund for the hotels. That way his management team could run  
8           the business and he could shift his attention and run for  
9           Congress. He could take his own money and loan it to his  
10          political campaign.

11          Can we have the next slide, please.

12          This slide that you can see on your screens is a  
13          picture of a letter he sent to one of his employees in  
14          November just before the loans took place. And you see from  
15          the yellow highlighting, what is he repeatedly saying? We  
16          have a cash reserve. We're going to maintain our cash  
17          reserve. It can't be like in the past where I was borrowing  
18          money to pay salaries for people and taking on debt. I want  
19          to have a cash reserve to set the business up.

20          That's why he borrowed the money from the three  
21          friends.

22          In order to raise cash for the hotels and the campaign,  
23          before he announced his candidacy, Mr. Das had set in a plan  
24          to sell \$300,000 in assets that he had in India. He and his  
25          mom jointly owned a condominium in Calcutta. They sold it

1 for \$255,000 in August of 2017.

2 The government knows this. These document are sitting  
3 in their database. They may not have looked at it. They  
4 may not have talked about it, but they've been sitting on  
5 these documents for years.

6 And he'd already started to liquidate his retirement,  
7 the 401(k) plan of the Indian version in India. So that was  
8 the \$300,000, to set up for these plans of his.

9 Well, things in India don't move as quickly as in the  
10 United States.

11 He got \$192,000 released quickly, but there was another  
12 hundred thousand that got held up. Luckily, he and his  
13 parents had about a million dollars of liquid cash in their  
14 accounts, and they decided they could use part of his  
15 inheritance to finance his dream of running for Congress.

16 So in December of 2017, his mother borrowed \$125,000  
17 from three family friends to put into the rainy-day fund,  
18 and he could loan a minimum of at least \$250,000 to his  
19 campaign from the family's own funds, including the condo  
20 proceeds from India, 192,000.

21 Why does a family with close to a million bucks in the  
22 bank borrow 125,000 from friends?

23 The money in the bank was left from the parents' life  
24 savings and his savings. The Das family had already  
25 invested over a million-and-a-half into the hotels from

1       their life savings. They made hundreds of thousands of  
2       dollars of emergency loans in the past, when pipes burst,  
3       when the floods came, when they were paying salaries.

4             Mr. Das realized it would put a lot of pressure on his  
5       parents to expect them to bail out any future hotel problems  
6       just from their own savings. They owned 40 percent but made  
7       100 percent of the loans. They didn't want to pressure  
8       family and friends that were their investors.

9             So they asked three friends if they would loan Mr. Das'  
10       mother, Dr. Mitras Das, money that she could draw on if she  
11       needed it for the hotels. Many families in the Indian  
12       community in the United States are very close to each other,  
13       and they support each other financially. You should not  
14       find this cultural practice surprising. Many other  
15       immigrant groups in other communities here have similar  
16       admirable close ties.

17            Separate from the loans from the family friends,  
18       Mr. Das could take the entire 192,000 from the condo sale,  
19       and he could take another 60 to 80,000 from savings.

20            Toby Chaudhuri was a Das family friend. You heard  
21       Ms. Wan mention him. But more important, he was the  
22       national chair of the Das political campaign, a highly  
23       experienced political consultant and by far the most  
24       influential adviser to Mr. Das and the campaign. Mr. Das  
25       had never before run for office or a political campaign.

1 Mr. Das looked at Mr. Chaudhuri for his advice on most  
2 campaign issues.

3 Could we have the next slide, please.

4 Take a look at the slide in front of you. This is what  
5 they discussed to do. The goal there would be a hundred  
6 twenty-five thousand they could borrow from family friends.

7 The blue is the close-to-a-million dollars they had in  
8 their own accounts. They kept them separate. One goes to  
9 the business. One goes to their campaign. A perfectly  
10 appropriate way to do it.

11 Could we have the next slide, please.

12 You'll see this is a Bank of America account that they  
13 talked about where things were being transferred out of.  
14 You can see the \$192,000 coming in from India just in  
15 December at the same time that the three loans took place.

16 So what was the problem?

17 Dr. Das, Mr. Das's mother, had always managed the bank  
18 accounts for the family. Her father had been a prominent  
19 banker in India, and she liked that role of being the person  
20 to manage the bank accounts. She always kept track of  
21 family funds and wired money from different accounts. That  
22 was what she did.

23 Unfortunately, the money from the condo sale went into  
24 the same account as the money from the three family friends.  
25 And when she wired them out, she didn't look to separate

1 what went from where.

2 If we could have the next slide, please.

3 You'll see here this is a graph of all the family bank  
4 accounts. Those blue lines above the red all have more than  
5 \$79,000 in them. Dr. Das could have taken the money from  
6 any of those five accounts, or six accounts, wired the money  
7 with the condo money, and there would have been no claim  
8 about the funds. The fact that she didn't realize she had  
9 to keep them strictly separate, or maybe she should have  
10 kept them strictly separate, is why we have this problem.

11 If we could have the next slide, please.

12 This is what we're talking about. That red is the  
13 money, the \$79,000, that the government has a problem with.  
14 The blue is all of the other money they could have just  
15 taken it from for that small portion of the red. That is  
16 what this loan issue is about.

17 No one's blaming Dr. Das. She was just transferring  
18 funds between accounts as she'd repeatedly done before.  
19 Clearly her son should have given her better directions to  
20 keep the money separate. But in this family, and in Bengali  
21 culture in general, children don't micromanage their  
22 parents. They respect them and they defer to them. He had  
23 no idea the funds would be mixed together for their  
24 transfer.

25 There's an old saying, "Money is fungible." People

1       also say, "All money is green." That means money's  
2       interchangeable, and you can use it interchangeably without  
3       problems. That may be true in a lot of businesses, but  
4       under the FEC rules, the government gets upset, and that's  
5       why they brought these charges.

6             The government asked you to pretend that the only money  
7       the Das family had was in this one account at  
8       Bank of America where the three personal loans and the  
9       proceeds from the condo were held together.

10            It wants you to pretend the other \$972,000 didn't  
11       exist. They pretend it didn't exist in the family bank  
12       accounts, and it didn't exist in Mr. Das' intent and  
13       knowledge.

14            Before Mr. Das ran for Congress, he didn't know  
15       anything about campaign rules regulating loans.

16            So how do we know he thought this was a legal way to  
17       raise money? Because he discussed it with his closest  
18       campaign adviser, Mr. Chaudhuri. And Mr. Chaudhuri agreed  
19       it was okay.

20            Could we have the next slide, please.

21            This is a picture of Mr. Chaudhuri, and these are  
22       things he wrote about the loans before the government came  
23       to him. And you will hear he said, "We did it carefully.  
24       We did it the right way in 2017 so there wouldn't be a legal  
25       problem."

1           So why does the government say that Mr. Chaudhuri will  
2           say something different? Why do they claim that there is a  
3           problem?

4           Two reasons.

5           Mr. Chaudhuri will say something different first  
6           because when the Das family went bankrupt and lost the  
7           hotels and lost a lot of their money, it took them a long  
8           time to pay back Mr. Chaudhuri the \$50,000, and he was  
9           livid.

10          The second reason is when the government interviewed  
11          Mr. Chaudhuri, as they referenced, they didn't like his  
12          original story, and they threatened him into changing his  
13          story.

14          Three years ago the FBI was looking at the records from  
15          the campaign and they went to speak to Mr. Chaudhuri. He  
16          didn't say there was anything wrong with the loan. The  
17          government interviewed a second time. And again he didn't  
18          say there was a problem.

19          So what happened? The government stopped the second  
20          interview and made it clear to Mr. Chaudhuri that the  
21          government didn't accept what he was saying. And they made  
22          it clear that he was putting himself at risk with the FBI  
23          and the U.S. Attorney's Office.

24          Mr. Gallagher and the FBI agent had a further  
25          conversation with Mr. Chaudhuri's lawyer and told the lawyer

1 that the government did not accept his statement, knowing  
2 that the lawyer would relay this to Mr. Chaudhuri in an  
3 attorney-client privileged conversation. That means  
4 Mr. Chaudhuri can discuss things privately with his lawyer  
5 about what the government said, and I can't get answers from  
6 him because it's a privileged conversation, and you can't  
7 hear what was related through the lawyer. It's a standard  
8 government technique to pressure witnesses to change their  
9 story.

10 The FBI, who was present, was supposed to write all of  
11 this down in the FBI reports because that's what the reports  
12 are supposed to be, an honest, straightforward, and complete  
13 telling of what happened. None of this showed up in the FBI  
14 record of the interview or the reports.

15 So we wrote a letter and we asked what was missing,  
16 tell us what happened. And the government finally did give  
17 us a response, and I will read you some quotes from it.

18 "During that brief interview, I indicated to  
19 Mr. Chaudhuri and his counsel that I had some concerns about  
20 the truthfulness of Mr. Chaudhuri's statements and indicated  
21 we should discontinue the interview for Mr. Chaudhuri to  
22 speak with Attorney Peabody. Shortly after that meeting,  
23 although I cannot recall the specific details, I probably  
24 also expressed some concerns to Attorney Peabody about the  
25 credibility of Mr. Chaudhuri's statements."



1 And then it goes on, "Prior to the third interview that  
2 took place on June 3, 2021, my assumption is that Attorney  
3 Peabody had conversations with Mr. Chaudhuri that would be  
4 subject to the attorney-client privilege."

5 If Mr. Chaudhuri had kept saying to the government what  
6 he said in those letters that you read, what he told the  
7 government in two interviews, that the loans were not for  
8 the campaign, the government either would have indicted him  
9 or threatened to indict him.

10 Could I have the next slide, please.

11 If he changed his story just ever so slightly, they  
12 would let him go.

13 Take a look at the screen that's in front of you.

14 Mr. Chaudhuri's given two versions of what happened.  
15 The blue version is what he said before the government  
16 threatened him. And what he said -- his version was, "The  
17 condo money and the self-fund would go to the campaign, and  
18 the hotel money would be the three loans."

19 No problems. No issues at all to be concerned about.

20 After the government threatens him, what does he now  
21 say? "Well, they scrambled the money up. Some condo money  
22 goes to the campaign. Some condo money goes to the loan."

23 I ask you -- you're going to hear in this case that  
24 Mr. Chaudhuri is a 20-year-experienced political consultant.  
25 He's been around the block when it comes to campaigns, and

1 he is the adviser that Mr. Das relies on.

2 Mr. Das is a newcomer to politics. But he's a lawyer.  
3 He's in business. He's not stupid.

4 If they could do it the right way and use the condo  
5 money with a little bit of the family money, why would they  
6 want to do it the wrong way?

7 The only reason the government can even make this  
8 argument is simply because Dr. Das did not separate out  
9 where the \$79,000 came from to top off the condo money.

10 At the end of this trial Judge Stearns will instruct  
11 you on the legal definition of "reasonable doubt." You will  
12 see that a person like Mr. Chaudhuri, who changes his story  
13 when the government doesn't like it, is walking reasonable  
14 doubt.

15 Now, I've shown you that a candidate may not be able to  
16 borrow money from friends to put into a campaign, but he and  
17 his family could borrow money during a campaign to put into  
18 a private business. You may think that sounds like a  
19 workaround or a loophole or something that's not very  
20 kosher. But remember, senators and members of Congress  
21 wrote these campaign laws to regulate themselves, and they  
22 gave themselves this flexibility. Whether you think it's a  
23 good law or a bad law, it doesn't matter. Because as jurors  
24 you must apply the law as Judge Stearns instructs you. You  
25 cannot apply a different law to Mr. Das. You must apply the

1 version Congress passed for itself.

2 Now let's talk about the conversion of the campaign  
3 funds.

4 They are claiming he stole \$314,000 or some amount of  
5 that. Mr. Das used his \$314,000 for the campaign committee  
6 to repay the personal loans he had given to the campaign.

7 They gave you this chart that is an absolute  
8 misstatement of the facts. Remember this chart from the  
9 government that shows Mr. Das gave 272 and took out 314?  
10 They're light by at least \$54,000.

11 We have a spreadsheet we're going to give the  
12 government. You see it has Bates numbers here. It's mostly  
13 documents they've been sitting on for the last few years.  
14 In Mr. Das' campaign reports he listed about \$55,000 or  
15 so -- I don't remember the exact number at my fingertips --  
16 of money he had put into the campaign through his credit  
17 cards. It's there in the reports.

18 They don't want to see it. They keep it out of here.  
19 It's all documented in here. Their witnesses told them  
20 about it, and they didn't follow up when the witnesses told  
21 them about it. They've been sitting on the documents. They  
22 haven't gone through it. Mr. Das put in at least \$325,000  
23 of his money into the campaign.

24 So when he takes out 314, technically the campaign owes  
25 him money, but obviously he's not going to get it. The

1 campaign's out of money.

2 The point is simple. He put the money in; he can take  
3 it out. He can take out as much as he put in.

4 And the fact that they pretend it doesn't exist just  
5 says what they're going to do. It doesn't say what you're  
6 going to see in terms of evidence.

7 And what was this fund for? It's paying for like the  
8 Internet service at campaign headquarters, paying for  
9 registration fees for the democratic party, paying for the  
10 campaign vehicle. All standard routine charges that Mr. Das  
11 gave. Many of them they gave to the campaign consultant.  
12 They're talking about Mr. Chast, that Mr. Chast didn't put  
13 into the reports or that he overlooked and reported  
14 incorrectly.

15 But the point is, Mr. Das put in more money into that  
16 campaign, documented on the FEC reports, documented on  
17 documents they've been sitting on for at least three, four,  
18 five years, and they weren't going to mention to you.

19 Now let's talk about the way that money was paid back.

20 The government has this issue that Mr. Das took the  
21 money from the campaign and had a separate transaction to  
22 put it into the business.

23 Can we have our next slide, please.

24 What you have to understand is what Mr. Das was doing  
25 was the campaign had borrowed the money from him personally.

1 So if you owe someone personally a loan, who do you pay  
2 back? The individual.

3 Once Mr. Das got that money, he could whatever he  
4 wanted with it because it was his personal funds. And so he  
5 took his personal funds, and he put them into the family  
6 business to make payroll, to pay taxes, to help out the  
7 60 percent of the owners that he wasn't asking for for  
8 money, and he tried the keep the businesses afloat.

9 If you take a look, I have two different diagrams. On  
10 one it's how any normal person would pay back the loan.  
11 You'll see the line number one is Mr. Das putting money into  
12 the campaign. The line two is the campaign paying him back  
13 for his personal loan. And then he separately puts that  
14 money into the business. That's how it should be reflected  
15 because that was the transaction.

16 He didn't have an account at the Lowell Five, so he  
17 couldn't put it through his own bank account. He just had  
18 to go to the counter and do it. And why did he go to the  
19 counter and do it? You'll see there's notes in the  
20 business, at the bank actually, that Mr. Das couldn't wait  
21 the two days the bank would sit on checks to hold -- to keep  
22 their money, for free use of your money.

23 The hotel business needed the money immediately.  
24 Perhaps some of you understand what it's like when you can't  
25 wait for a check to clear for two days and you need the cash

1 right away. That is what this business was like, and that's  
2 what was going on.

3 If we could have the next slide, please.

4 The FEC that regulates these reports and these forms,  
5 they have specific rules on what they expect you to do with  
6 a personal loan. And one is when you pay yourself back, you  
7 list yourself as the recipient of the funds.

8 What he was doing is exactly what the federal  
9 government expects all candidates to do.

10 You see the list in front of you? It's off the FEC's  
11 database. Anybody can look it up on the Internet. It lists  
12 the highest people who -- the highest amounts of loans taken  
13 out in the 2018 congressional races. You see a lot of these  
14 loans are in the hundreds of thousands of dollars.

15 You'll also see each candidate paid themselves back  
16 individually. They didn't tell you what they did with the  
17 money after they paid themselves back. Maybe they went on a  
18 vacation. Maybe they bought a piece of real estate. It's  
19 not the FEC's business. They want to see if you made a  
20 personal loan and the personal loan is paid back, it's going  
21 to the source of the funds, the candidate. It's not some  
22 other destination that the candidate may want to put the  
23 funds.

24 That's the -- we just picked those numbers out, the  
25 highest loans in the FEC. There's 1354, I think, candidates

1 who borrowed money, who lent money to their campaign, and  
2 then paid themselves back. That's just the first page going  
3 by the highest numbers first.

4 Can we have the next slide, please.

5 You can see the results from the campaign, it was an  
6 absolute disaster. Mr. Das got 1400 votes. He finished way  
7 down. It was a complete fault for him to even think that he  
8 could ignore the hotel business and spend his family  
9 resources there.

10 Why was he doing this and taking the money out of the  
11 campaign and putting it into the business? Because it was  
12 pretty clear that he wasn't going to win. It was pretty  
13 clear that he had a campaign. They had incredibly good  
14 candidate. The chief of staff to the mayor of Boston raised  
15 three or four million dollars.

16 Lori Trahan, who won it, and worked for a congressman,  
17 she raised over two -- close to \$3 million.

18 They had huge political machines of operatives and  
19 experts.

20 He was just some guy who thought, Gee, I should run.  
21 Maybe something could happen.

22 So during that 2018 time period before the campaign  
23 when the business started having problems, they couldn't  
24 make payroll, they had to pay people's health insurance,  
25 they had to cover the tradesmen coming in to do work, he

1       figured, Better put the money into the hotels than waste it  
2       on the campaign.

3               Now let's talk about the reports. It's the last of the  
4       three issues that the government has focused on in the case.

5               They claim that Mr. Das caused the campaign to file  
6       inaccurate campaign reports. When the campaign files its  
7       report describing what happened in the prior three months,  
8       it's supposed to say how much cash was sitting in the bank  
9       account on the last day of that three-month period. All  
10       that the campaign finance director has to do is check the  
11       monthly statement for the campaign bank account and report  
12       how much cash is sitting in the account.

13              Unfortunately, the consultant hired by Mr. Das never  
14       looked at the bank account and reported the wrong number.

15              This is the simplest of the three issues.

16              She said that he will testify that he repeatedly asked  
17       for the bank accounts. That's not what he said in the grand  
18       jury. It's not what he said before. I don't know how they  
19       got him to buff up his testimony or make it different than  
20       what he said before, but that's not what has been his story  
21       prior to hearing it today.

22              This is the simplest of the issues. The FEC rules are  
23       absolutely clear. The candidate has no responsibility to  
24       complete, to review, to supervise, or to file campaign  
25       reports. If there are inaccuracies in the report, that's



1 not Mr. Das' responsibility, and he certainly doesn't have  
2 criminal liability for them.

3 You again may be thinking about these campaign rules  
4 and being a little bit skeptical. How can it be that the  
5 candidate has absolutely no responsibility to file anything?  
6 Remember, representatives in Congress and Senate and  
7 senators, wrote those rules to regulate themselves. They  
8 put this protection for candidates in the rules. And just  
9 as senators and congressmen wrote the rules to limit their  
10 own responsibilities, they also limited the obligations of  
11 the candidates like Mr. Das, who got a tiny number of votes,  
12 and had never served in Congress.

13 This is a excerpt from the book that the FEC issues for  
14 all congressional candidates. It's like a guidebook, how to  
15 do things right, how to follow our rules. It's something  
16 they put on their website. We'll have FEC witnesses coming.  
17 We'll have them testify about it.

18 What do they put on page 79 on their "How to Run for  
19 Congress" handbook? An entry that says, "Candidate does not  
20 report campaign activity. Apart from filing a Statement of  
21 Candidacy" -- saying you're going to run, that's all, that  
22 you're going to run -- "a candidate has no personal  
23 reporting obligation under the Act.

24 "If a candidate receives contributions, obtains loans  
25 for campaign activity, or makes disbursements, he/she is

1 acting as a campaign agent. The transactions are reported  
2 by the principal campaign committee."

3 On the forms that they're talking about, Mr. Das  
4 doesn't submit them. He didn't sign them. There's no place  
5 for him to have a certification or an acknowledgment that he  
6 had anything to do with the forms.

7 Could we have the next slide, please.

8 Now, I want to show you -- this is the witness they  
9 talked about just a moment ago, about Mr. Chast.

10 Mr. Chast -- if we could have the slide, please.

11 Mr. Chast was the person hired. His company got  
12 \$10,000 a month for Mr. Chast and one other person  
13 supposedly to provide guidance and run things for the  
14 campaign. Ten thousand dollars a month, that's a lot in the  
15 campaign world.

16 And when Mr. Das asked him about the FEC filings, what  
17 does he say? "I do this for you." That is their sale  
18 pitch. I take care of all of this so you can go out and you  
19 can ask for votes, and raise money, and you don't have to  
20 deal with the paperwork.

21 And Mr. Chast was the finance director of the campaign.  
22 And I ask you, have you ever heard of somebody who is a  
23 finance director of an organization who never read the  
24 organization's bank accounts?

25 He never read them at all. And there were other people

1 that -- there were several people who could have given him  
2 access. He just didn't pursue it.

3 And you know why? Because when Mr. Das went in to hire  
4 Mr. Chast's company, they told him, We are the pros. We ran  
5 Seth Moulton's campaign for the first time he ran for  
6 Congress. We know how to deal with first-time candidates  
7 who know nothing about the process. We are the pros.

8 What they didn't tell him was Mr. Chast had never  
9 worked on a federal campaign as a finance director before.  
10 He was way out of his league.

11 They may have helped other federal congressional  
12 candidates, but the person they assigned to Mr. Das'  
13 campaign had no experience with the FEC. That's why he  
14 filed things without looking at bank accounts, and he made  
15 other mistakes.

16 There is an old saying, "Success has a thousand fathers  
17 but failure's an orphan."

18 Several of the government's witnesses are going to make  
19 clear they don't like Mr. Das. When he had businesses and  
20 money to spend, they were happy to work with him. When his  
21 finances crumbled, when he was in bankruptcy and having  
22 failure, they felt they were owed money or let go, and they  
23 became critical of him.

24 But you're not here voting in a popularity contest.  
25 This case is about the application of very technical rules

1 to the evidence.

2 You'll learn many things about Mr. Das in this trial.  
3 You will learn he's an intelligent man who went to law  
4 school, but his law degree is irrelevant to the issues in  
5 this case.

6 You'll learn that he had a successful career in school  
7 and at Hilton Hotels, but he failed as an entrepreneur and  
8 as a candidate.

9 You'll also learn that he and his parents wanted to  
10 build a family business together, but they lost it to  
11 bankruptcy.

12 We also see he was naive to think he could run for  
13 Congress and keep his hotel business going, and he owns  
14 that, and he will own it for the rest of his life.

15 You'll see lot of disappointment and mistakes, how a  
16 once-successful person was humbled and failed in a very  
17 public way.

18 But you will not see a knowing and intentional fraud or  
19 deception. You will not see a crime.

20 Mr. Das withdrew money out of the campaign bank  
21 account, as was his legal right, and he repaid loans to  
22 himself. And remember, he put a lot more in than he took  
23 out.

24 He took this same money and put it into his business to  
25 pay salaries and taxes and for health care.

1           You'll see a close, loving family that shared  
2           everything, money, dreams and failure. But they didn't  
3           steal money or benefit from these problems. They lost more  
4           than anyone else.

5           And that's why at the end of this case we will present  
6           our closing argument and ask that you return a verdict of  
7           "not guilty" on every count in the indictment.

8           Thank you.

9           THE COURT: Thank you, Mr. Kendall.

10          All right, Jurors, you've heard two excellent opening  
11          presentations. You can see from the divergences that a jury  
12          is going to be required to decide this case.

13          But conveniently lunch has just arrived. Enjoy the  
14          lunch. I will have Marsha check with you at 1:30 to make  
15          sure you're comfortable. We'll start whenever you feel  
16          ready to go, but no sooner than 1:30. And I will have you  
17          out of here by four o'clock this afternoon. So it should  
18          make the commute a little easier.

19          So the jurors will be excused for lunch, and we'll see  
20          you at 1:30 or thereabouts.

21          THE CLERK: All rise.

22          (Recess.)

23          THE CLERK: All rise.

24          (Whereupon, the Court entered the courtroom.)

25          THE COURT: All right. The jurors are on their way

1 down, so what is our issue?

2 MR. GALLAGHER: There is an exhibit we intended to  
3 not admit, really out of concern possibly there might be  
4 hearsay. And what the exhibit is is that Eric Chast sent an  
5 email to the defendant about the forms he filed with the  
6 FEC 3. And in that was a link. And the exhibit we are  
7 going to introduce now is a link to instructions about how  
8 to fill out the form.

9 I believe the argument against it was that there was no  
10 evidence, other than receiving the link, that Mr. Das  
11 actually looked at. But since the defendant has shown now  
12 really an instruction manual to the jury giving them a slice  
13 of -- really what we think is an inaccurate picture of  
14 obligations, the fact that Mr. Das received something and  
15 what it says, we think, is relevant based upon that opening  
16 statement.

17 MR. KENDALL: If I may be heard, your Honor.

18 If you took take a look at Exhibit 23. It's the FEC  
19 instructions for the FEC Form 3. My client has no  
20 obligation to file a Form 3, to review a Form 3. There is  
21 no signature place for him. He's truly -- this is the whole  
22 issue that the FEC has set up. The client -- the candidate  
23 has no responsibility for the form that they have the  
24 instructions.

25 If you read the wording of what Mr. Chast said, he

1 said, Please see the reporting instructions. If you have  
2 any questions, give me a call.

3 He didn't say, You have to read them, or, Read them and  
4 come back to me. He said, Please see them if you have any  
5 questions.

6 I don't believe this witness will testify he ever  
7 discussed it with my client; my client in any way ever  
8 acknowledged reading the link that was there.

9 THE COURT: Sounds like perfectly good  
10 cross-examination to me.

11 All right. It's admissible.

12 MR. GALLAGHER: Your Honor, do you want the witness  
13 on the stand?

14 THE COURT: Somebody's going to have to be on the  
15 stand in a minute because the jury is outside.

16 THE CLERK: You can put him on.

17 (Pause in proceedings.)

18 THE CLERK: All rise for the jury.

19 (Whereupon, the jury entered the courtroom.)

20 THE CLERK: Court is open. You may be seated.

21 THE COURT: Welcome back. I hope the lunch was  
22 satisfactory. It is the best the federal government can  
23 offer.

24 All right. Let's call our first witness.

25 THE CLERK: Please raise your right hand.

1                                   **SCOTT FERSON, sworn.**

2                   THE CLERK: Thank you. You may be seated.

3                   Can you please introduce yourself, spelling your last  
4                   name for the record?

5                   THE WITNESS: Sure. I'm Scott Ferson, F-E-R-S-O-N.

6                                   **DIRECT EXAMINATION**

7                   **BY MR. GALLAGHER**

8           Q     Mr. Ferson, good afternoon.

9           A     Good afternoon.

10          Q     Would you please tell us how old you are, sir?

11          A     How old I am? I'm 61.

12          Q     What do you do for work?

13          A     I run a public affairs and public consulting firm called  
14          Liberty Square Group.

15          Q     You're doing that for how many years?

16          A     Twenty-four years.

17          Q     What does Liberty Square Group do?

18          A     We do a number of things. We do lobbying, strategic  
19          consulting, communications work for for-profit companies,  
20          nonprofits, and political candidates.

21          Q     You're doing this for how many years?

22          A     With Liberty Square, for 24. But before that I had  
23          worked for a congressman and U.S. senator and worked on  
24          campaigns.

25          Q     Let's talk about that prior experience.



1           Who were the political candidates or  
2           representatives you've worked for?

3           A    Well, on the Senate staff for Senator Kennedy, and then  
4           for his reelection campaign in '94 and subsequent elections.

5           The presidential campaign for Congressman Gephardt  
6           in 1988.

7           And in minor roles in other presidential campaigns.

8           And then as a consultant for Congressman Stephen  
9           Lynch from 2001 to today.

10          Congressman Seth Moulton.

11          Governor Patrick and Lieutenant Governor Murray.

12          District attorneys, a number of candidates on the  
13          local level.

14          Q    Sounds like you've been involved in a lot of campaigns.

15          A    A lot of campaigns.

16          Q    What is your particular role in political campaigns?  
17          What do you do?

18          A    So my background is -- again, I was one of Senator  
19          Kennedy's press secretaries. So my background is in  
20          communications.

21          I play that role for currently-now Senator Markey,  
22          and Speaker of the House Ron Mariano. So that's my  
23          particular expertise.

24          But for Seth Moulton, for instance, I was his  
25          general consultant. So it's that person who comes in and

1 sort of just overlays what the strategy might be, in  
2 addition to my communications work.

3 Q How far did you go in school?

4 A I have an undergraduate degree in political science from  
5 UMass Dartmouth, and a masters in strategic public relations  
6 from George Washington.

7 Q Do you do any teaching?

8 A I teach about elections in congress at Stonehill  
9 College.

10 Q Mr. Ferson, are you also involved in something known as  
11 the Blue Lab?

12 A Yes.

13 Q Tell us what Blue Lab is?

14 A The Blue Lab is a political incubator that trains  
15 college-aged students how to run campaigns.

16 Q And is that part of the Liberty Square Group, or is that  
17 part of your teaching?

18 A It's -- well, it's part of Liberty Square, in that I own  
19 Liberty Square and I own the Blue Lab. The Blue Lab is a  
20 nonprofit that specifically is a training program that works  
21 on -- we pair them with campaigns.

22 Q Mr. Ferson, do you know the defendant in this case,  
23 Mr. Abhijit, or "Beej," Das?

24 A I do.

25 Q Can you please tell us where he is sitting and what he

1 is wearing.

2 A He is sitting to my right in a blue suit.

3 MR. GALLAGHER: Your Honor, may the record reflect  
4 that the witness has identified the defendant?

5 THE COURT: It may.

6 Q Mr. Ferson, can you explain to us how it was that you  
7 met Mr. Das?

8 A I had -- actually was introduced by a mutual friend who  
9 was somebody who had worked at the Liberty Square Group.

10 Q And that mutual friend, what was his name?

11 A Eric Cafori [ph.]

12 Q How did you know Mr. Cafori.

13 A I've known Mr. Cafori for a long time as a consultant  
14 when he worked for the J. Thorp [ph.] Company, and I was  
15 consulting with -- and then he joined my firm for a period  
16 of time.

17 Q So what was the purpose of your meeting, Mr. Ferson,  
18 with Mr. Das?

19 A It was a little bit of a unique situation for us in that  
20 it was an open congressional seat. I had worked on the last  
21 time the congressional seat was open for Eileen Donoghue,  
22 who was the Mayor of Lowell who ran and came in second to  
23 Congresswoman Tsongas.

24 So we were approached by a number of campaigns,  
25 since -- I also -- when I first started working, my first

1 job was working for an acting congressman at the time.

2 Q Let's talk about this open district.

3 Are you familiar with the Third District, the  
4 federal district, of Massachusetts?

5 A Yes.

6 Q What basic geographic area does that cover in the  
7 Commonwealth?

8 A It -- from Haverhill sort of south, south of Lowell and  
9 then west along the New Hampshire border.

10 Q Do you know -- I'm sorry.

11 Do you know who the current member of the U.S.  
12 House of Representatives is representing that particular  
13 congressional district?

14 A Yes. Lori Trahan.

15 Q You mentioned a person by the name of Niki Tsongas, who  
16 is that?

17 A Niki Tsongas was the Congresswoman after Congressman  
18 Meehan left the seat. She was elected in a special election  
19 and served until she retired.

20 Q And you mentioned Representative Tsongas decided not to  
21 seek reelection?

22 A Yes.

23 Q And what then happened? Did you start to receive phone  
24 calls from other potential candidates?

25 A I did. My first call proactively was to then-Senator

1 Donoghue, I helped elect her to the State Senate, to see  
2 whether she was interested in running again for it.

3 Q And state Senator Donoghue, did she end up joining or  
4 participating in the election?

5 A No, she ended up not running for the seat.

6 Q So once that happened, Mr. Ferson, did other candidates  
7 reach out to you to potentially retain your services in this  
8 campaign?

9 A Yes, some who got into the race and some who did not.  
10 At the time there were a number of people who were looking  
11 at it.

12 Q And was Mr. Das one of the individuals who approached  
13 you?

14 A Through Eric, yes.

15 Q Where was your first meeting with Mr. Das?

16 A It was on his yacht.

17 Q Can you describe to us what the yacht looked like?

18 A It was big. It was part of his business. You know, he,  
19 I think, had -- there was an event on the boat. So it -- I  
20 don't know that I went down below, but we sat -- it was a  
21 nice day and we sat outside.

22 Q When was this approximately, Mr. Ferson?

23 A Other than the weather was nice, I'm not sure I can  
24 specifically remember.

25 Q Was it before the election?

1 A Oh, yes, well before.

2 Q The election cycle we're talking about, what were the  
3 years that took place?

4 A Was it '18? So this would have been in '17, 2017.

5 Q So again, Mr. Ferson, what was the purpose of the  
6 meeting you had with Mr. Das and Mr. Cafori on this yacht?

7 Before I get there, where was the yacht parked  
8 or -- no one "parks" their yacht, but where was it?

9 A It was a marina in Boston. I'm not familiar with  
10 marinas but something close to the -- you know, that long  
11 hotel that's down there.

12 Q So what was the purpose of the meeting you had with  
13 Mr. Das?

14 A At that point I think -- I always considered those to be  
15 introductory. It's kind of unclear where it will lead.  
16 Sometimes people just want, because of my experience, just  
17 want to meet, and I'm pretty forthcoming about what I think  
18 it takes to run, and usually talk to people about why  
19 they're talking about the race that they are looking at.

20 Q You mentioned you talk to them about things that they  
21 need to have in order to run?

22 Did you give any advice or guidance at that time to  
23 Mr. Das about the amount of money that would be needed to  
24 perhaps win a congressional campaign?

25 A Yes. It's actually one of the first questions because I

1 think a lot of people -- a lot of people are encouraged to  
2 run, but there are some truths to running for a  
3 congressional district in Massachusetts in a primary. And  
4 the ones that I have worked on and the ones I have observed  
5 over the previous sort of decade all cost between 1.5 and  
6 1.7 million dollars. So if you don't have a lot of money or  
7 the ability -- the network ability to raise it, it's sort  
8 of -- you know, doesn't last very long.

9 Q Is that what you told Mr. Das?

10 A I believe so, yes.

11 Q Did Mr. Das say anything about his ability to finance or  
12 raise money?

13 A Yes. He clearly was a person of means, it seemed to me.  
14 We were meeting on his yacht, and he had, from my  
15 observation, a successful hotel business.

16 But for me it's always, Do you have a network of  
17 high-worth individuals who can write checks for \$5200, which  
18 is the federal maximum.

19 Q Did Mr. Das say anything about having a network of  
20 individuals from whom he could obtain funds?

21 A He left the impression with me that he was quite  
22 confident about that.

23 Q Did he say anything else in particular about what type  
24 of network he had access to?

25 A Well, he had done international business. He was a

1 hotel executive. You know, I didn't need a lot of  
2 convincing he had a network.

3 I had just come off of the Moulton campaign, who  
4 also had a huge network and successfully raised money.

5 Q At that point, Mr. Ferson, while you were on the yacht,  
6 did you learn anything about Mr. Das' background or work  
7 experience?

8 A Just generally. It was more of a conversation. It  
9 wasn't an interview, the way I took it.

10 Q How long did this entire meeting take place?

11 A I don't know. Not more than an hour is my guess.

12 Q Did you have a subsequent meeting with Mr. Das at your  
13 office here in Boston?

14 A Yes. When Senator Donoghue decided not to run, we  
15 started holding more formal, what I would call, interview  
16 meetings with my entire staff and some Blue Labers.

17 Q What was the purpose of those meeting with the Blue Lab  
18 staff? What were you trying to do?

19 A Well, both -- we were perhaps interested in working on a  
20 campaign for somebody else if there was a fit. And I was  
21 looking forward to doing the race for Senator Donoghue, but  
22 that wasn't going to happen. So we were wide open.

23 And then for the Blue Lab, the best way to learn is  
24 to be in the room, so we would let them participate as well.

25 Q Let me ask you this, Mr. Ferson. Do you recall how many



1 different potential candidates that you interviewed in  
2 addition to Mr. Das during this process?

3 A Maybe six.

4 Q You mentioned the Blue Lab. The Blue Lab are college  
5 students?

6 A College students.

7 Q And during the meeting with Mr. Das, can you tell us who  
8 was present and what happened?

9 A So it would have been whoever from my staff wanted to  
10 participate. Maybe there were five or six people in there.  
11 And my -- you know, we met again with half-a-dozen. So I  
12 don't know specifically who may have been in the office at  
13 the time.

14 And if there were Blue Labers in the office at the  
15 time, we would have let them participate as well. So maybe  
16 from the LSG side six to eight.

17 Q In addition to Mr. Das, did Mr. Das come with anybody  
18 who was associated with his campaign?

19 A For that, he may have brought a person. But normally  
20 for sort of these it's get to know -- see if there's a fit  
21 with the candidate. So I don't remember there being an  
22 entourage, if you will.

23 Q Was there a subsequent meeting in which other folks came  
24 that were associated with the campaign?

25 A Yes. So after we met with the six, one or two who may

1 not have actually gotten into the race, if I remember  
2 correctly, I sort of put it to my office, and everybody  
3 unanimously wanted to work with Mr. Das.

4 Q Mr. Ferson, can you tell the jury what was it about  
5 Mr. Das that impressed you and the Blue Lab that you decided  
6 to choose him as the candidate you were going to work for?

7 A He's impressive. He's smart. He's well-educated. His  
8 background was nontraditional for -- you know, not the usual  
9 path to running for Congress, being a state rep being a  
10 state senator. That appealed to us.

11 The Blue Lab's specific mission is to elect  
12 first-time female or people of color to office, people who  
13 don't have traditional access to the political process. So  
14 he checked off a lot of the boxes that -- but, also just as  
15 a person, his background, while not traditional for a  
16 politician, if you will, was impressive. And I, as a  
17 communication's person, I could see a story that we could  
18 tell.

19 Q By this second meeting or the third meeting, what did  
20 you know about his professional background, Mr. Ferson?

21 A Just the hotel that he ran in Tyngsborough. He also had  
22 other properties. He had a background at Hilton, and that  
23 that was his -- you know, he was an accomplished  
24 businessman.

25 Q Do you know whether or not he went to law school?

1 A Yes.

2 Q Did he talk about his legal experience in a certain way?

3 A I think he referred to himself often as a constitutional  
4 scholar.

5 Q Again, the second meeting, I asked you who else was with  
6 Mr. Das at that point.

7 Did Mr. Das ever appear at the Liberty Square Group  
8 with a person named Toby Chaudhuri?

9 A Yes.

10 Q Can you tell the jury, who is Toby Chaudhuri?

11 A Toby Chaudhuri, when I met him and being -- having done  
12 this for a long time and Toby having done it for a period of  
13 time, we may have crossed paths before, but I don't  
14 specifically remember that. But he was somebody not unknown  
15 to me as a strategist. And it came as -- often on campaigns  
16 you'll find somebody who's a very good friend who's in the  
17 business but is coming both in a role as a senior strategist  
18 and as a friend. So he was there in that role and a  
19 campaign manager.

20 Q What could you tell from what you saw between Mr. Das  
21 and Mr. Chaudhuri about the nature of their relationship?

22 A It seemed to me to be very close. I remember Toby  
23 saying that, you know, I'm here to protect Beej. "Protect"  
24 not in any -- you know, look out for him. You know, as he's  
25 running for Congress, it can get hard.

1 Q So in addition to Mr. Chaudhuri, was there also a person  
2 by the name of Luke or Lucas Seibert who was the first  
3 campaign manager?

4 A Yes.

5 Q When did you first see Mr. Seibert?

6 A I think it was at that meeting. I'm not sure I was  
7 familiar with Mr. Siebert.

8 Q Do you know how long Mr. Siebert was the campaign  
9 manager for the campaign?

10 A I don't know. Although the campaign was not at that  
11 point very old.

12 Q Okay. Did the campaign go through more than one  
13 campaign manager for the life of the campaign?

14 A Yes.

15 Q Talk to us about that. How many different campaign  
16 managers did the campaign actually have?

17 A If there were -- I knew when Lucas left, which was  
18 shortly after we were retained. You need a campaign  
19 manager. So that's sort of job one. And if there were  
20 steps in between Brennan Spencer coming on, who is somebody  
21 we would have recommended, I don't remember that.

22 But I remember Luke being there for a very short  
23 period of time, and then Brennan Spencer, who I've worked  
24 with on other campaigns.

25 Q I want to talk about Brennan Spencer a little bit later,

1 but let's first talk about when you then decided, you and  
2 the Blue Lab group, to take on Mr. Das as its client.

3 What did you agree to do for the Das for Congress  
4 campaign?

5 A So certainly communications, because that's our  
6 expertise, and my office does that -- likes to do that on  
7 campaigns when we're hired.

8 But the general consulting role was sort of just  
9 that. You're there, and as campaigns are ramping up, you're  
10 in position to focus on message and strategy, sort of a path  
11 to victory. You know, overseeing a budget being drawn up,  
12 the specific hires that's needed for the people who actually  
13 run the campaign on a day-to-day basis.

14 Q In addition to yourself, did you assign anybody else  
15 from your company, Liberty Square Group, to also work on the  
16 campaign?

17 A Molly Horan, who had been with me for a number of years  
18 at that point and had been with me actually to work for  
19 Senator Donoghue and back to my office to help with  
20 communications and really run that on a day-to-day basis.  
21 It was her first campaign in that full-time sort of role, if  
22 you will, on a campaign, with -- working with me and Eric,  
23 Eric Chast, in my office.

24 Q What role did Eric Chast have in the campaign?

25 A Eric came to me about six months earlier. He's my

1 business manager, having come from a political fundraiser.

2 Q Mr. Ferson, did you ever have any discussions with  
3 Mr. Das or other members of the campaign about the  
4 importance of fundraising during the first quarter of this  
5 election?

6 A Yeah, quite often. The -- you know, really campaigns  
7 for Congress at this point are not complicated, and the  
8 first phase is not -- you know, there's not real debates.  
9 There may be forms. No one is really paying attention to  
10 them. It's important to raise money, and it takes a lot of  
11 time to raise money. You have to be very disciplined about  
12 it.

13 Q What does that usually involve? How does a candidate  
14 raise money?

15 A You -- it's working with somebody in -- you know, to  
16 develop the list of people that you can contact. So we need  
17 to take from the candidate the list of people who will then  
18 lead to contributions. It's very time-consuming to put that  
19 list together. And that's very time-consuming to make the  
20 calls because you're not reaching most people on the phone  
21 at the first try. So you're sitting -- it's not glamorous  
22 work. You're sitting and what we say, "dialing for  
23 dollars."

24 Q Is that often referred to as "call time"?

25 A Call time.

1 Q Now, when you agreed to work for the Das for Congress  
2 campaign, did you sign or create a document, something  
3 called a "statement of work"?

4 A Yes, we would have.

5 Q And if you look at the folder in front of you, I would  
6 like to show you what's in evidence as Exhibit 1, and if you  
7 can tell the jury what that is once it comes up on the  
8 screen.

9 MR. GALLAGHER: And I believe, your Honor, we need  
10 the PC for the prosecution table.

11 THE CLERK: It's on.

12 A This was a "statement of work."

13 MR. GALLAGHER: I think the defense wants it shown.

14 THE COURT: Excuse me?

15 MR. KENDALL: We have no objection.

16 THE CLERK: That's your screen. HDMI1.

17 (Pause in proceedings.)

18 (Exhibit published to the jury.)

19 MR. GALLAGHER: Can everyone see that okay?

20 (Jurors nod affirmatively.)

21 Q So tell us, Mr. Ferson, what we're looking at.

22 A That's a "statement of work."

23 Q The statement of work is what?

24 A It just outlines what we will do for the campaign.

25 Q I would like to go to the very last page first, page 4

1 of 4, and ask you, do you recognize the signature there?

2 A Yes.

3 Q Is this -- this document is dated December 15, 2017.

4 Did you actually begin working for the campaign before this?

5 A I don't remember exactly when, although looking at the  
6 document, since it says November 15, I assume it was before  
7 that.

8 Q I would like to go to page 2 of this document. It  
9 refers to "The Blue Lab."

10 A Hm-hmm.

11 Q Do you see that?

12 A Yes.

13 Q I just want to --

14 MR. GALLAGHER: Can we highlight that for the jury  
15 so they can see that.

16 Q And here it says, "The Blue Lab is a campaign incubator  
17 within LSG and the brainchild of Scott Ferson and Sean  
18 Sinclair." Who is Sean Sinclair?

19 A Sean Sinclair is a colleague of mine. I've done work  
20 with him for a number of years on campaigns. He has an  
21 expertise in putting budgets together, doing mail, some  
22 media, and has a strong background, having done it for  
23 Senator Sanders' presidential campaign, for Harry Reid in  
24 Nevada, and other places.

25 Q Do you know whether or not Mr. Sinclair ever did any



1 work for the Das for Congress campaign?

2 A Other than -- I believe he put the budget together.

3 Because he -- it's fairly straightforward for the campaign,  
4 but then his work would have been towards the end leading up  
5 to September where you're on TV and you're setting up mail.  
6 But nothing at this point other than participating in  
7 messaging.

8 Q So Mr. Sinclair is responsible for all those glossies we  
9 get in the mail that clog up our --

10 A Not all of them. Just the ones he sends out, yes.

11 (Laughter.)

12 Q So if you go to the third of four page.

13 I want to focus now on the topic here that says  
14 "fundraising."

15 Now, Mr. Ferson, is this a standard statement of  
16 work, or did you adjust it at all based upon the client you  
17 were representing?

18 A We would adjust it depending on what the client's needs  
19 are.

20 Q And can you describe to the jury what's laid out here as  
21 far as the assistance the Liberty Square Group would provide  
22 the Das for Congress campaign with regards to fundraising?

23 A So again the fundraising is really maximizing the  
24 candidate's contacts. So all of the bullets here are meant  
25 to be that person who's sitting with the candidate during

1 call time, if you will. Lists are prepared. You know,  
2 recordings of whatever the promises might be, thank you  
3 notes that go out. All of that work.

4 Q If you go to the next page, please.

5 MR. GALLAGHER: The top of page 4, if we can just  
6 highlight where it says "Scott Ferson will serve..."

7 Q Now, Mr. Ferson, this part of the statement of work,  
8 what is this discussing?

9 A Just the roles of the three people that are going to  
10 staff it.

11 Q And so you're the general consultant to the campaign,  
12 and that means precisely what, Mr. Scott [sic]?

13 A So it really -- what it means is that -- you know, I  
14 know how these campaigns are run, how you can win them, and  
15 we're going to put a strategy together to do that.

16 Q I apologize. I think I just called you "Mr. Scott,"  
17 Mr. Ferson.

18 A That's okay.

19 Q From your experience, do you actually interact act with  
20 the press about how the campaign is going?

21 A Some general consultants might not. I do. I've got  
22 deep relationships with the press in Massachusetts and  
23 nationally.

24 Q It says here that "Molly Horan will manage  
25 communications and messaging strategy deliverables." Can

1 you explain what that means?

2 A Yes. So "deliverables" are press releases. You know,  
3 you always want to consistently tell a story. So we would  
4 work -- you know, you would work with pollsters and other  
5 people to know what messaging works and resonates with the  
6 electorate, and those need, you know, to be written.

7 Q And last it says, "Eric Chast will manage all  
8 fundraising strategy and requests." What does that mean?

9 A Eric came over to LSG as a -- with a fundraising  
10 background.

11 Q Do you know whether or not Mr. Chast ever had any prior  
12 experience working on a federal campaign?

13 A I don't.

14 Q The other question I have, Mr. Ferson, do you know  
15 whether or not he had prior experience or expertise in  
16 submitting reports to the FEC?

17 A I don't.

18 MR. GALLAGHER: You can take this off the screen,  
19 please.

20 Q Mr. Ferson, how would you describe the success, or lack  
21 of success, in fundraising for the Das for Congress campaign  
22 during the last quarter of 2017?

23 A It was anemic to barely present. It was very hard to --  
24 there were -- not successful.

25 Q Why do you say that, sir?

1 A Because it -- it's very much a disciplined set of tasks  
2 you have to do. If you're not sitting in a room with a  
3 telephone making phone calls, you're not fundraising.

4 Q Did you talk to Mr. Das directly about that issue?

5 A Yes, in the context of -- because you can see how much  
6 money is being raised, so, you know, if you can raise money  
7 some other way, that's fine, but he wasn't raising money.

8 Q And, Mr. Ferson, do you know what the term "cash on  
9 hand" means?

10 A Yes.

11 Q What does "cash on hand" mean?

12 A It's literally that. So you've got -- there's a burn  
13 rate to campaigns. Money comes in; money is spent. What is  
14 left is your cash on hand.

15 Q You say "burn rate." What does "burn rate" mean?

16 A When you're paying expenses as part of the campaign.

17 Q What do campaigns, in your experience, Mr. Ferson, use  
18 the money they raise from individual contributors, what do  
19 they use that money for?

20 A Most of it, the bulk of it, at the end of a campaign is  
21 used to buy advertising.

22 Q For what purpose?

23 A Well, name recognition persuasion.

24 Q How important is it in your estimation and your  
25 experience, Mr. Ferson, for the campaign in the very first

1 reporting quarter for a campaign to have a large cash on  
2 hand?

3 A It has become important. Whether it actually is  
4 important is a different question. But it has become  
5 important because the press and media think that it's  
6 important.

7 Q Did you have conversations with Mr. Das about the  
8 importance of that number?

9 A Yes.

10 Q Did you do anything to try to improve the fundraising  
11 that was not happening with the Das for Congress account?

12 A I'm not a fundraiser, but as the person who is  
13 communicating with the reporters, I impressed upon him the  
14 importance of having a number that would impress the press  
15 at the end of the quarter or he would not be considered a  
16 viable candidate by the press.

17 Q And if the campaign doesn't have that money, what  
18 typically happens in your experience, Mr. Ferson?

19 A It's a spiraling cycle. If you don't have -- well, if  
20 you don't have enough money to pay your bills, that's a  
21 problem. That wasn't the case here, I don't believe.

22 But if you don't have enough money to show to the  
23 press, and through them the public, that you're going to  
24 have money to advertise to get your name known and your  
25 message across, the press won't take you serious. And they

1 start to tier viable candidates from nonviable candidates,  
2 particularly in multiple-candidate fields.

3 Q In this particular race, do you recall how many  
4 different candidates there were in the race?

5 A There were six or seven or eight, I think.

6 Q Is that a crowded field?

7 A For an open seat, not necessarily. But it's -- if --  
8 from people observing it, not many people are really focused  
9 on them, so the press is really watching it. It's a crowded  
10 field to get press attention.

11 Q I want to take you, Mr. Ferson, now toward the end of--  
12 towards the end of 2017.

13 Did the fundraising for the Das for Congress  
14 campaign improve?

15 A No.

16 Q Did you have a conversation with Mr. Das about his  
17 ability to self-fund the campaign?

18 A Yes. And we may have had that even going back to the  
19 meeting on the yacht, which is that there's -- very wealthy  
20 people can run for office. And whatever we might think  
21 about that, that's just the fact. And if you're wealthy and  
22 can self-fund, as candidates do all the time, that's one way  
23 to fund a campaign.

24 Q What was Mr. Das' response?

25 A That he could do that.

1 Q And did you ever ask him about how he was going to be  
2 able to self-fund his campaign?

3 A No, because it seemed evident to me that he had the  
4 ability and resources to do it.

5 Q Mr. Ferson, are you familiar with this idea of  
6 "opposition research"?

7 A Yes.

8 Q What is "opposition research"?

9 A I think -- the public thinks it's finding out stuff  
10 about your opponents, but really research is an important  
11 part of campaigns where you hire a firm to basically scrub  
12 every public record of the candidate so that you know -- so  
13 that way you're not -- I never want to be in a position to  
14 get a call from a reporter asking me something I don't  
15 already know.

16 Q Do you know whether or not you tried to get any type of  
17 opposition research into Mr. Das before he was running for  
18 Congress?

19 A There is a firm -- I work with several firms. So  
20 there's a firm I like that had worked on the Moulton  
21 campaign that I thought had done a really nice job and set  
22 up a meeting for her for Mr. Das.

23 Q Did that meeting take place?

24 A It did.

25 Q Do you know if there was any type of opposition research

1 that actually got done?

2 A She was never retained.

3 Q Whose decision was it not to retain the person to  
4 conduct any opposition research?

5 A Ultimately, all of these decisions are the candidate's.  
6 It's the candidate's campaign.

7 Q Do you know whether or not the campaign had an election  
8 attorney or a campaign lawyer that was assigned that was  
9 giving Mr. Das any type of advice about campaign finance  
10 laws?

11 A I don't. And from the first meeting I just considered  
12 Toby Chaudhuri to be filling that role, not as the attorney,  
13 but as the person looking at those things.

14 Q You mentioned the spending of campaign funds. What kind  
15 of expenses do campaigns have that they need campaign funds  
16 for?

17 A So again the bulk of it, 75 percent of it, is paid  
18 advertising, the TV ads that you run. You know, now some of  
19 it is quite inexpensive Facebook ads, but it's mail and TV  
20 are quite expensive. The bulk of what you raise is -- goes  
21 to that.

22 Q Do you know whether or not the Das for Congress campaign  
23 had a campaign office?

24 A Eventually it did, yes.

25 Q Where was that campaign office?



1 A In downtown Lowell.

2 Q Was there also campaign headquarters?

3 A I'm not sure I understand the distinction.

4 Q Let me ask you differently.

5 Was there a storefront and also a personal  
6 residence?

7 A There was a storefront and a personal residence.

8 Q Let's talk about the personal residence first. Where  
9 was that?

10 A That was in a mill -- converted mill building in  
11 downtown Lowell.

12 Q Was Mr. Das living there?

13 A I believe so.

14 Q What else was happening at this apartment in downtown  
15 Lowell?

16 A I think -- well, it should have been call time.

17 Q Why do you say "it should have been call time"?

18 A Because that's what the candidate should be doing almost  
19 the entire day.

20 Q In addition to the residence, you mentioned there was  
21 also a storefront.

22 A It was a storefront.

23 Q What was happening at the storefront?

24 A Not much.

25 Q Why do you say that?

1 A There was no need for the storefront. If you don't have  
2 a lot of campaign staff -- I think there's this sense that  
3 campaigns are populated by lots of people stuffing envelopes  
4 and sending out mail and stuff. And at that stage in the  
5 campaign there's just one or two people that are working  
6 with the candidate on a daily basis.

7 Q Do you know whose decision it was to fund a storefront  
8 and a campaign headquarters in Lowell?

9 A I believe it was Mr. Das.

10 Q Mr. Ferson, how did the campaign do as far as cash on  
11 hand during the end of 2017? What was the approximate  
12 number the Das for Congress campaign was able to achieve?

13 A I don't remember. I don't remember there being a focus  
14 on it. I remember the intense focus being on the amount  
15 raised.

16 Q Why is that a distinction?

17 A Well, if, again, the press are going to criticize a  
18 campaign, there's two ways they can do it. One is, You  
19 haven't raised enough money like the others. The other is,  
20 You don't have enough to buy the things you're going to need  
21 to at the end of the campaign.

22 I don't remember that being a problem.

23 Q Do you know whether or not Mr. Das ended up self-funding  
24 the money that became the final number at the end of 2017?

25 A I do.

1 Q How do you know that?

2 A Because the number minus that was not going to be --  
3 rise to the level that he would remain a serious candidate  
4 going into the election year.

5 Q Did you say anything to Mr. Das to encourage him, in so  
6 many words, to write a check to the campaign?

7 A Yes.

8 Q And describe to us, what do you mean by that?

9 A I laid it out in terms of how it would be perceived,  
10 that we needed to report a number that would not be  
11 laughable to observers. Because of his resume, he's  
12 considered a serious candidate. He meets -- he gets to the  
13 starting line. But then if you're not hitting your marks as  
14 you go along, as several of the other candidates were, he  
15 would not be taken seriously.

16 Q After -- so at the end the quarter, four quarters in a  
17 year with the FEC?

18 A Four quarters in the year.

19 Q After the end of the quarter, how soon after the quarter  
20 ends does the campaign publish that number to the public  
21 about the amount of cash on hand?

22 A They become public on -- they become public 15 days  
23 after the filing is due. So January 16 in this case for the  
24 fourth quarter of '17. January 16 of '18 they would be  
25 public.

1 But if -- there's this sort of ritual that goes on  
2 that if your number is quite high, you self-report it almost  
3 immediately, so January 2, January 3.

4 Q Do you know whether or not after -- around January 15th  
5 or 16th, whether the Das for Congress campaign published  
6 that number in a press release?

7 A It did, yes.

8 MR. GALLAGHER: If we could have in evidence  
9 Exhibit No. 2, please.

10 (Exhibit published to the jury.)

11 Q Can you tell us what we're looking at here, Mr. Ferson?

12 A This is a press release.

13 Q It has two contacts on here, Scott Ferson and Molly  
14 Horan?

15 A Yes.

16 Q Do you know, between the two of you, who wrote this?

17 A Molly would have written it.

18 Q Do you know whether or not your client, the candidate,  
19 Mr. Das, looked at it before it was submitted to the press?

20 A I don't know that we would have done it any differently  
21 than we always do, which is the candidate approves anything  
22 that goes out public.

23 Q Have you ever sent out a press release without running  
24 it by the candidate beforehand?

25 A No.

1 Q Now, here when it says --

2 MR. GALLAGHER: And if you could just raise the  
3 first paragraph so we will see that a little closer.

4 Q When it says, "Today, Beej Das, Democratic candidate for  
5 Congress in Massachusetts' Third Congressional District,  
6 announced that he had raised \$425,000 in the fourth  
7 quarter," what did you understand that to mean?

8 A Raised his money that has been taken into the campaign.

9 Q Can that include not just donations but self-funding?

10 A Yes.

11 Q And that term "self-funding," Mr. Ferson, what do you  
12 understand "self-funding" to mean?

13 A A lot of campaigns, if they hit a period where they need  
14 to have money in a campaign, the candidate will write a  
15 check as a loan to a campaign.

16 Q And that money for self-funding, what's your  
17 understanding as far as whose money that is?

18 A That has to be the candidate's money.

19 Q Mr. Ferson, why do you say it has to be the candidate's  
20 money?

21 MR. KENDALL: Objection, your Honor.

22 THE COURT: Overruled.

23 MR. GALLAGHER: You can answer, Mr. Ferson.

24 Q Why was that money, if it's personal money, have to be  
25 the candidate's money.

1 A If it's not the candidate's, it's considered a  
2 contribution that has limits.

3 Q And during the 2017-'18 election cycle, were there  
4 limits?

5 A Yes.

6 Q What were those limits?

7 A I believe they're -- they get bumped up every cycle, but  
8 they're -- it may have been 4,800 to \$5,200 per person, half  
9 primary, half general election.

10 Q So you can spend that much on the primary, and then the  
11 second tranche is on the general?

12 A I can contribute that to a candidate as an individual.

13 Q How does one find out what the contribution limits are  
14 for an election cycle?

15 A They're published, you know, so any -- as part of the  
16 fundraising, and this works for people who we represent now,  
17 sometimes somebody will write a check larger than that that  
18 has to be returned.

19 Q So if a campaign gets a check that is larger than the  
20 contribution limit, what should be the practice as far as  
21 accepting or not accepting the money?

22 A You -- if it's above, you, I believe it works on the  
23 federal level the same way it does in the state, you have to  
24 cut a check from the campaign to the person back for the  
25 excess.

1 Q Okay.

2 Going back to this press release here.

3 When it says "his campaign's first fundraising  
4 quarter, and that his campaign currently has \$550,000 cash  
5 on hand," what did you understand that to mean, Mr. Ferson?

6 A In the bank.

7 Q So as of what date? As of what date?

8 A As of what date?

9 Well, that -- you try to put as good a face on your  
10 press release as possible. It could be that the 550 cash on  
11 hand was from January 15.

12 Q Did you have conversations with members of the press  
13 about Mr. Das' campaign, about his cash on hand?

14 A The money raised and the cash on hand, yes.

15 Q Can you talk to us about that? Explain to us what you  
16 did.

17 A More the money raised. You know, there were a couple of  
18 candidates who were very aggressive fundraisers and would  
19 have reported their numbers early on.

20 Dan Koh, Rufus Gifford also had personal resources  
21 as well but were very successful in fundraising.

22 We, as you can see from the press release, did not  
23 let reporters know what money was going to be reported until  
24 it became public. So I had to have conversations to explain  
25 why and how it was going. The belief behind that is it's

1 not going very well.

2 MR. GALLAGHER: We can take this off the screen.

3 Q So you mentioned you got the got impression that Mr. Das  
4 was running a successful business. What gave you that  
5 impression?

6 A Everything that I could see made it successful, but  
7 also, since I do talk to the press a lot through these  
8 things, not once did a reporter say to me, Has he got  
9 business problems? Which is also another way that you kind  
10 of find out whether your campaign has an issue.

11 Q Did you ever get a chance to go through his books and  
12 records of his business to see if that was true?

13 A I never have for any campaign I ever worked on, and,  
14 frankly, I didn't see a need for it.

15 If I felt that he didn't have the means to do what  
16 needed to be done on the campaign, I might -- or if I didn't  
17 see a sense that there were means there and he said, I could  
18 write a check for an enormous amount of money, I might ask a  
19 question where that was coming from, but I didn't feel the  
20 need in this case.

21 Q Going back to the cash on hand.

22 Did you ever have an opportunity to look at any  
23 type of bank statement or financial record to verify that  
24 that cash on hand on January 16, 2018, was actually more  
25 than a half-million dollars?



1 A I did not.

2 But I would have said to Molly, The numbers have to  
3 be accurate. Because if they're not accurate and a reporter  
4 can look at what's being reported and it's different from  
5 what we were saying in the press release, that's a problem.

6 Q Do you know who from LSG, Liberty Square Group, was  
7 working with Mr. Das in order to try to get that number to  
8 be accurate?

9 A I don't specifically.

10 Q So we talked about different campaign managers. You  
11 mentioned a person early on by the name of Brennan Spencer.  
12 Did you try to assist the campaign in getting a campaign  
13 manager?

14 A Yes. Part of the role of general consultant is if you  
15 have spots filled, they need to be filled, and we would help  
16 with that.

17 Q Was one of the spots that was not filled that of  
18 campaign manager?

19 A After Lucas left, yes.

20 Q What does the campaign manager do in your experience,  
21 Mr. Ferson?

22 A They would run the day-to-day campaign. You know, you  
23 want the candidate to be the candidate. In this case,  
24 meeting voters who are at this early stage raising money,  
25 and then the mechanics of how the campaign is run is run by

1 the campaign manager on a day-to-day basis.

2 Q Did you recommend someone in particular for the Das for  
3 Congress campaign?

4 A I did.

5 Q Who was that?

6 A Brennan Spencer.

7 Q How do you know Mr. Brennan Spencer?

8 A I knew him from -- we had -- I had been a general  
9 consultant for Andy Vargas, who had been elected to the city  
10 council and then a state representative from Haverhill,  
11 which is part of the district. And he had done, I thought,  
12 a nice job on the campaign.

13 Q Why do you think he would have been a good addition for  
14 the Das for Congress campaign?

15 A Beej was a first-time candidate. So he needed somebody  
16 who knew how to do the mechanics of a campaign, build lists  
17 and all that stuff.

18 Q Mr. Ferson, are you familiar with a product known as NGP  
19 VAN, letters N-G-P hyphen VAN?

20 A I am.

21 Q What is that?

22 A As I understand it, it's what we would call a voter  
23 file.

24 Q Have you ever used it?

25 A In 1988 on the Gephardt for President campaign, it was

1 printed out on paper, and you used a pencil to check off  
2 voters. I have never used anything electronically, but I  
3 understand that that's the modern way of keeping track of  
4 things on NGP VAN.

5 Q So did you have any involvement in helping set up the  
6 NGP account for the Das for Congress campaign?

7 A No.

8 Q Any involvement in setting up different fields or data  
9 entry for this product?

10 A No.

11 Q Do you know if Eric Chast did?

12 A I don't.

13 Q In addition to Brennan Spencer, did you also -- was  
14 there a person who came to the campaign around the same time  
15 named LA, as in the letters L-A, Harris to join the  
16 campaign?

17 A Yes.

18 Q Tell the jury, who is LA Harris?

19 A LA Harris is a fundraiser.

20 Q Did you know LA Harris before this campaign?

21 A I believe so in another congressional campaign.

22 Q What was LA Harris supposed to be doing for the campaign  
23 as far as you know?

24 A Since the fundraising wasn't successful, you have to  
25 find someone who has a fit with the candidate to run call

1 time, and LA Harris had quite a good track record of doing  
2 that.

3 Q So we finished the last quarter of 2017, and now we're  
4 into the first quarter of 2018. Did fundraising for the Das  
5 for Congress campaign improve at all?

6 A Not that I can recall.

7 Q Why do you say that? How do you know that fundraising  
8 had not improved?

9 A I'm not as familiar with the numbers after that, but the  
10 behavior had not changed.

11 Q When you say the "behavior," Mr. Ferson, what are you  
12 talking about?

13 A Again, if a candidate's not in a room with a telephone  
14 and a person on call time, they're not raising money. So --  
15 and they're not -- it's not just raising money. You're  
16 asking people to hold events where they're putting  
17 fundraising events together. None of that was happening  
18 from my observation.

19 Q Let's talk about campaign events.

20 Were there actually Das for Congress campaign  
21 events that you attended?

22 A I attended one.

23 Q Where was that event?

24 A It was at his hotel.

25 Q Can you tell us how the turnout was and what happened?

1 A It was early in my involvement in the campaign, and it  
2 gave me hope. I thought it was -- it was a good, what we  
3 say, it was a "good room." There were a lot of people  
4 there. I don't know the money raised, but from the number  
5 of people who were there who were friends and family, it  
6 looked like a good start.

7 Q Were there other campaign events, either in  
8 Massachusetts or outside the Commonwealth, that you knew  
9 about?

10 A Not that I recall.

11 Q With the addition of Brennan Spencer and LA Harris, what  
12 were you trying to accomplish with adding those two folks to  
13 the Das for Congress team?

14 A To find the -- fundraising is hard, and very few people  
15 like to do it; and very few people are really good at it, so  
16 you have to find the right fit for the candidate. And we  
17 try to take that in, I think, in a number of different ways  
18 to make the fundraising successful.

19 I was convinced that the network was there, that  
20 the money was there, if we could just figure out how to  
21 unlock it from Beej making those calls.

22 Q What was the issue, Mr. Ferson? Was Mr. Das not making  
23 the phone calls?

24 A He was not making the phone calls, in my estimation.

25 Q If he was not making the phone calls, what did you

1 observe him doing?

2 A I didn't observe him doing much. It was unclear where  
3 he was.

4 Q What do you mean by that?

5 A I didn't -- I didn't see him. The reports I got from  
6 Brennan Spencer was that he wasn't --

7 MR. KENDALL: Objection, your Honor, hearsay.

8 THE COURT: Sustained.

9 MR. GALLAGHER: I'll withdraw it.

10 Q Now, you mentioned one of the other candidates in the  
11 race was Dan Koh?

12 A Yes.

13 Q And you mentioned that Dan Koh was actually, in fact,  
14 raising a lot of funds. And as you were in the --  
15 approaching the end of the first quarter of 2018, what  
16 quarter is that? What period of months is the first  
17 quarter?

18 A January, February, and March is the first quarter.

19 Q So the last day of March is the end of the quarter?

20 A Yes.

21 Q And so what period of time do you report your  
22 contributions for, the entire year or just that quarter?

23 A No. So it comes out by quarter. It's public on the FEC  
24 site by quarter, on the 15th after the closing.

25 Q Is the campaign also required to, in addition to the

1 money they receive, report the money that they have spent?

2 A Yes.

3 Q How is that done, as far as you know?

4 A "How" -- I'm sorry?

5 Q How is that done?

6 A It's with the filing with the FEC. So when the report  
7 comes out, you can see what's been brought in and what's  
8 been spent.

9 Q You mentioned something called a "burn rate." Is that  
10 something that the press, in your experience, look at as far  
11 as the viability of a campaign?

12 A They may, if you're burn rate is high. If a campaign  
13 were to hire a hundred staffers in the first quarter, for  
14 instance, that's a very high burn rate.

15 Q Now, did you exchange email with Molly Horan and Beej  
16 Das about Dan Koh's numbers?

17 A Yes.

18 Q And I want to direct your attention to, in evidence,  
19 Exhibit No. 3.

20 (Exhibit published to the jury.)

21 MR. GALLAGHER: And if we could just blow up the  
22 first part of the email where it says, "Poll done by Barbara  
23 L'Italien."

24 A Yes.

25 Q Let's focus on that first.

1 First, who is Barbara L'Italien?

2 A Barbara L'Italien was a candidate, but at the time was a  
3 sitting state senator.

4 Q Are these poll numbers?

5 A These were her poll numbers.

6 Q And so who is actually providing this data to the Das  
7 for Congress campaign?

8 A From the memo, it seems that the Mayor of Haverhill gave  
9 them to Beej.

10 Q And the Mayor of Haverhill being Mr. Jim --

11 A -- Fiorentini.

12 Q Fiorentini, okay.

13 And you wrote, "I find the Lori and Rufus numbers  
14 to be suspect but not the rest," in your email you write  
15 at --

16 MR. GALLAGHER: If you would please highlight what  
17 Mr. Ferson said at 12:29 a.m.

18 Q And here, Mr. Ferson, you say that, "I find the Lori and  
19 Rufus numbers to be suspect but not the rest."

20 What did you mean by that?

21 A I believe that they were both advertising, and so when I  
22 look at them, I don't think I would believe that they were  
23 too high. So I'm thinking that they were too low because  
24 they were advertising and that they would have been higher.

25 And Dan Koh would have been advertising as well.



1           So, you know, the suspect is when you look at a  
2     poll, did the numbers add up to 100. Is the person who is  
3     putting the poll out, is that an inflated number or not?

4     Q    So in this case the person actually putting the poll  
5     numbers out are Barbara L'Italien, the same person who is  
6     ahead in the poll?

7     A    Yes.

8           Which frankly wouldn't have surprised me, as she  
9     was the sitting senator that represented the Third District.

10           MR. GALLAGHER: Can you then pull up Mr. Das'  
11     response at 12:32 a.m.

12     Q    And when he says here, Mr. Ferson, "Let's chat budgets  
13     with Sean soon," do you know which Sean he's referring to?

14     A    I believe it's Sean Sinclair.

15     Q    Do you know also know a person by the name Sean Smith?

16     A    No.

17     Q    Do you know who the treasurer was for the Das for  
18     Congress campaign?

19     A    No.

20     Q    When he says next, "This quarter's fundraising has us  
21     all a bit rattled. I can self-fund more, but will then need  
22     to focus on my business to ensure funds will be available,"  
23     what did you understand that to mean?

24     A    I took that to mean that I'm -- you know, one, in terms  
25     of the need to raise money, money is not being raised.

1           Mr. Das, when things weren't working with a  
2 particular person, would want to switch to another person,  
3 try something else.

4           All of which I'm in favor of. Try anything until  
5 we find something that works.

6           And Sean Sinclair, having worked on a lot of  
7 campaigns and put budgets together, has a wide national  
8 network of people. It may have been that we were going to  
9 say, you know, What should we do from here?

10       Q   When he says here that he can self-fund more, what did  
11 you take that to mean?

12       A   It would mean whatever number we were reporting the next  
13 day was going to be anemic. I don't remember what the  
14 number was, but that led me to believe that there was still  
15 a check he could write, as he did in the first reporting  
16 period.

17       Q   When he said that he was going to self-fund, whose funds  
18 did you believe that to be?

19       A   Himself.

20       Q   Did he ever tell you that the funds -- that part of the  
21 funds he was getting included funds from his family, his  
22 parents?

23       A   No.

24       Q   Did he say to you that he put in funds from other folks  
25 who had contributed money to the campaign, like Jay Shah.

1 MR. KENDALL: Objection, your Honor, leading.

2 THE COURT: Well, it's sufficient leading. Go  
3 ahead.

4 Q Did he ever tell you that other folks had given him  
5 money for him to loan for -- so he could loan the money to  
6 the campaign?

7 A No.

8 Q If he had told you that, would that have concerned you  
9 at all?

10 A I remember he specifically didn't because that would  
11 have concerned me.

12 Q Why?

13 A I believe that not to be legal.

14 Q Are you a lawyer, Mr. Ferson?

15 A I am not a lawyer.

16 Q Why do you think that that's not legal?

17 MR. KENDALL: Objection.

18 THE COURT: Sustained.

19 MR. GALLAGHER: I'll move on, your Honor.

20 MR. KENDALL: And I move to strike the answer.

21 THE COURT: The objection is sustained, so there is  
22 nothing to strike.

23 MR. KENDALL: The one before, his opinion of what  
24 was legal or not, your Honor.

25 THE COURT: No. I will let that stand. Too late.

1 Q In addition to -- let me go to the next exhibit,  
2 Mr. Ferson.

3 MR. GALLAGHER: Can you pull up Exhibit 4, please,  
4 that is in evidence.

5 (Exhibit published to the jury.)

6 Q And I want to draw your attention, first, your email at  
7 10:40 a.m. on April 9, 2018 where you say, "Beej has spent  
8 his career..."

9 Now, Mr. Ferson, can you just read to us what you  
10 wrote on April 9, 2018, at 10:40 a.m.?

11 A Sure. "Beej has spent his career building a very  
12 successful business. He got into this race knowing that he  
13 would be able to raise the money needed. We're on track to  
14 do that. We have a clear idea of how much money will be  
15 needed to reach voters and get our winning message across."

16 Q Are you writing that email to anybody in particular?  
17 What are you doing there, Mr. Ferson?

18 A It seems from this that we're getting requests to  
19 release the money -- to release the number to the press and  
20 that we're not going to do that but would want to provide a  
21 statement, and that would be the statement.

22 Q Was that your job, to take that on, the messaging for  
23 the campaign?

24 A Yes, with Molly.

25 Q I'm sorry, did you --

1 A In consult with Molly.

2 Q Molly worked for you, right?

3 A Yes.

4 Q If we can go to Mr. Das' response at 1:08 p.m. on the  
5 same day.

6 And when Mr. Das says, "Thanks, all. We are  
7 sitting or nearly 80K. With in-kinds and last minute checks  
8 that are coming in from last quarter, we could hit mid-90s.  
9 Will confirm this eve."

10 Mr. Ferson, what did you understand Mr. Das'  
11 statement to mean?

12 MR. KENDALL: Objection, your Honor.

13 THE COURT: Sustained.

14 Q When Mr. Das said, "We are sitting on nearly 80K," what  
15 did you understand that statement to mean?

16 MR. KENDALL: Objection, your Honor.

17 THE COURT: Not what he meant but what you  
18 understood it to mean.

19 MR. GALLAGHER: Yes.

20 Q Your understanding, Mr. Ferson. What did you understand  
21 that to mean?

22 A So I understood it to mean that that's what Beej was  
23 telling me. But I did not understand that to be a number  
24 until I saw it reported.

25 Q As far as reporting goes, does it do any good -- the

1 campaign any good if the money is not in the bank account?

2 A No.

3 Q Why is that?

4 A Because that's what reported.

5 Q Is there a difference between commitments and actual  
6 contributions?

7 A You can't put commitments in the bank.

8 Q What do you mean by that?

9 A If someone says, I have a commitment for \$100,000, but  
10 the actual cash that shows up in a bank account that's  
11 reported to the FEC is \$50,000, it's not \$100,000.

12 Q So what has to be reported, the commitments or the  
13 contributions?

14 A The contributions.

15 Q Do you know what an in-kind contribution is?

16 A So an in-kind contribution would be if I host a  
17 fundraiser for you at my house and I buy the beer and wine.  
18 That's a contribution to the campaign that would be reported  
19 not as cash but in-kind.

20 Q Were you aware of in-kind contributions that the Das for  
21 Congress campaign received?

22 A No.

23 Q Do you know what Mr. Das is referring to with these  
24 in-kind contributions?

25 A To be honest, I didn't put much stock in the email. So

1 I didn't think anything of it.

2 MR. GALLAGHER: We can take this off the screen  
3 now.

4 Q Now, you talked about different people that you helped  
5 into the campaign, Brennan Spencer, LA Harris. Were there  
6 any other type of national-level consultants that were added  
7 to the Das for Congress campaign in April or May of 2018?

8 A Not that I remember. He had national consultants when  
9 we were brought on the campaign, a media firm.

10 Q Do you remember who those folks were?

11 A I'm not remembering the names, but nationally recognized  
12 media.

13 Q What do you mean by that, "nationally recognized media"?

14 A That had worked on successful campaigns nationally.

15 Q Do you know a person by the name of Jay Shah?

16 A I do.

17 Q Who is Jay Shah?

18 A I know him as somebody who owned a house we visited  
19 once.

20 Q Was there some type of meeting related to the campaign  
21 at his house later in 2018?

22 A Yes.

23 Q How did that take place? What led to this meeting?

24 A Campaigns, if they are not raising money or have other  
25 problems, you know, come to a point of, you know, sort of

1 reckoning, if you will, and I think we were at that point.

2 So the senior person I was dealing with on the  
3 campaign who had done campaigns before, Toby Chaudhuri, also  
4 seemed to recognize that. So it was -- tried to pull a  
5 senior-level strategy meeting together of anybody who was at  
6 that level in the campaign to see if we could right the  
7 ship.

8 Q You said this meeting took place at a certain house.  
9 Where was that?

10 A On the eastern shore in Maryland.

11 Q Who was there?

12 A The media consultants. There's three partners, two of  
13 them were there. Jay was there, as it was his house as I  
14 understood it. I asked -- Mr. Das had asked, or both had  
15 asked, Sean Sinclair to come down.

16 This was to try to get some people in who, you  
17 know, are smart and more senior level who could try to right  
18 the campaign. So he came down.

19 Q What happened during the first night?

20 A I'm sorry?

21 Q What happened the first night you were there?

22 A It was social.

23 Q You stayed the night?

24 A Yes.

25 Q And the next day what happened?



1 A It was eventually a meeting in the early afternoon that  
2 I thought was productive in having Mr. Das understand what  
3 he needed to do on his personal effort to get the campaign  
4 to where it needed to be.

5 Q What was that? What message did you and the others  
6 communicate to Mr. Das that you think he understood?

7 A That he needs to raise the money to be a viable  
8 candidate.

9 Q During that meeting with those folks did he say anything  
10 about using any money from the campaign to pay hotel bills  
11 or expenses related to his business?

12 A No, not that I remember.

13 Q What happened after this meeting?

14 A I -- the meeting may have gone on after I left. I left  
15 to see my son in Washington. And we then scheduled a  
16 follow-up to that meeting with -- for a meet with Beej, with  
17 Mr. Das, and Mr. Chaudhuri.

18 Q Before we get there, I want to show you Exhibit 5, which  
19 is in evidence.

20 MR. GALLAGHER: And can you just pull up the first  
21 part here down to the signature "regards, Beej."

22 (Exhibit published to the jury.)

23 MR. GALLAGHER: Thank you.

24 Q Could you tell us, Mr. Ferson, is this email related to  
25 the meeting we just talked about?

1 A Yes.

2 Q The location here at "Walnut Point Farm," what is that?

3 A That's the house.

4 Q Okay. And when Mr. Das says, "The chair of our  
5 financial committee, Jay Shah, CEO of Hersha Hospitality  
6 Trust," do you know who that is?

7 A No. I had not met him before this.

8 Q When you did meet him, how did you know him? What did  
9 you meet him as?

10 A As the chair. I mean every campaign -- I felt this to  
11 be positive, right, we need a robust finance committee of  
12 high-worth people to -- they're there to help you raise --  
13 identify where to raise the money from.

14 MR. GALLAGHER: You can take this off, please, and  
15 let me show you Exhibit 160.

16 (Exhibit published to the jury.)

17 Q Do you recognize this, Mr. Ferson?

18 A I believe so.

19 MR. GALLAGHER: Go to the next page, please.

20 Q What do you recognize this to be?

21 A This is a different time of year, but I believe that's  
22 the house.

23 MR. GALLAGHER: You can take that off, please.

24 Q So after this meeting, what was your impression about  
25 the direction of the campaign after leaving this meeting?

1 MR. KENDALL: Objection.

2 MR. GALLAGHER: I'll rephrase, your Honor.

3 Q What happened after this meeting?

4 A I felt good leaving the meeting, that, you know, this  
5 was my first glimpse into his finance committee. It looked  
6 good to me. I don't have -- I don't know any of the names  
7 on the finance committee, but having a finance committee is  
8 a good idea. And if we could get the candidate to be  
9 disciplined about what they needed to do, then we could get  
10 the campaign back on track.

11 Q You mentioned that you then had a meeting with Mr. Das,  
12 Mr. Chaudhuri at the hotel, the Stonehedge Hotel?

13 A Yes.

14 Q Tell us what happened during that meeting.

15 A I went there again hopeful that we would have a  
16 conversation. There were other issues to the campaign,  
17 relationship with the campaign manager, et cetera, and some  
18 other things that -- but Job 1 is getting the fundraising in  
19 place. And I felt we were going to have a meeting about how  
20 to proceed forward with that.

21 At this point I think Toby -- Mr. Chaudhuri played  
22 a very critical role on the campaign because of his  
23 relationship with the candidate. So I felt good that the  
24 both of them were going to be there.

25 But at the end what happened in the meeting made me

1 decide that we were no longer a fit with the campaign.

2 Q So after that meeting, Mr. Ferson, did you, exit, you  
3 and your company, exit the campaign?

4 A Yes.

5 Q And I would like to ask you, Mr. Ferson, the statement  
6 of work, how much were you charging the Das for Congress  
7 campaign for your service?

8 A It was \$10,000 a month.

9 Q How did you come up with that number, \$10,000 a month?

10 A It's what I've charged other campaigns.

11 Q Was that negotiated with Mr. Das?

12 A Negotiated in that I said that that's what I charge.

13 Q Okay.

14 MR. GALLAGHER: If I could have a second, your  
15 Honor.

16 (Pause in proceedings.)

17 MR. GALLAGHER: I have nothing further, your Honor.

18 THE COURT: Mr. Kendall.

19 MR. KENDALL: Thank you, your Honor.

20 **CROSS-EXAMINATION**

21 **BY MR. KENDALL**

22 Q Good afternoon, Mr. Ferson.

23 A Good afternoon.

24 Q We never met. My name is Mike Kendall. Is that  
25 correct, we've never met?

1 A I don't believe so.

2 Q You met with the government though several times,  
3 haven't you?

4 A Yes.

5 Q I have FBI reports showing interviews in 2020 and 2021.  
6 Do you remember both those interviews?

7 A I believe I do, yes.

8 Q The first and second we can just say.

9 A Yes.

10 Q And since then how many other meetings have you had with  
11 the government?

12 A Two.

13 Q When were they?

14 A They were recent.

15 Q Roughly how long did each of these four meetings go?

16 A An hour.

17 Q Now, when you were testifying with Mr. Gallagher's  
18 questions, you were discussing how you explained to Mr. Das  
19 the importance of how much money you raise. Do you remember  
20 that testimony?

21 A Yes.

22 Q It would be fair to say that's one of the most obvious  
23 things you talk about with a candidate, how much money you  
24 have to raise, correct?

25 A Correct.

1 Q And you explained it's a barometer of whether people  
2 take you seriously even if it's not a fair judgment,  
3 correct?

4 A Correct.

5 Q Now, if I were -- but then he also asked you, sometimes  
6 in the same questions about fundraising, did you discuss  
7 cash on hand with Mr. Das. Do you remember him asking you  
8 that? I think he might have even put the two phrases  
9 together.

10 A Yes.

11 Q If I were to suggest to you in your prior interviews  
12 with the government you never said you discussed cash on  
13 hand, you only discussed fundraising with Mr. Das, would you  
14 agree with me?

15 A I don't know that I would agree with you.

16 Q Is it your testimony in your prior interviews in which  
17 the FBI agent wrote down notes that you told the government  
18 that you had actually discussed cash on hand with Mr. Das?

19 A I think I was referring to a document where it mentions  
20 "cash on hand."

21 Q There is the press release, so let's put that aside.

22 But in general it would be fair to say you have no  
23 memory of ever discussing with Mr. Das the concept of cash  
24 on hand with that particular phrase?

25 MR. GALLAGHER: Objection, vague.

1 THE COURT: I'm not sure I quite --

2 MR. KENDALL: Okay.

3 Q My point being, do you agree that you don't have a  
4 specific memory that you actually discussed the concept of  
5 cash on hand with Mr. Das other than this press release  
6 we'll put off for a moment?

7 A No. We -- we -- just by the nature of it being a  
8 campaign, you -- cash on hand is always a number.

9 Q So would you agree with me that you didn't tell that to  
10 the FBI in the two interviews they memorialized in their 302  
11 reports, correct?

12 A I don't remember that.

13 Q So you have no memory of telling them in the prior  
14 interviews? Today you're bringing it up, correct?

15 MR. GALLAGHER: Objection, vague.

16 THE COURT: Sustained.

17 Q That press release --

18 MR. KENDALL: Was that Exhibit 2? I think it was.

19 Could we have Exhibit 2 on the screen, please?

20 A Yes.

21 Q Exhibit 2, the press release.

22 Now, we know for the end of Q4 he had raised  
23 \$425,000 approximately, about 280 in loans and about 150 in  
24 donations, rough numbers?

25 A Yes.

1 Q And this is issued 16 days after the end of the quarter.

2 Now, this is drafted by your office, correct?

3 A Correct.

4 Q That \$550,000 number was typed by somebody in your  
5 office, correct?

6 A Correct.

7 Q Do you know who did it?

8 A I'm assuming Molly Horan, who wrote the press release.

9 Q Now, if he raised 424 in Q4, we know there was nothing  
10 before Q4 being raised because that's the start of his  
11 campaign, correct?

12 A No, I don't think that to be true --

13 Q Sure. He made his announcement September 25, and he  
14 started raising money after that. This is his first -- Q4  
15 is his first filing with the FEC, with the FEC 3 form, for  
16 his money raised, correct?

17 A Yes.

18 Q So his first time out reporting he reports up through  
19 December 31 he's raised 425. Your office puts out a cash on  
20 hand number in a press release of 550. Do you agree with  
21 me?

22 A I'm reading it, yes.

23 Q It's either they raised \$125,000 in the first 16 days of  
24 January or somebody from your office typed an incorrect  
25 number for cash on hand, correct?



1 A I don't know that it's an incorrect number.

2 Q You think they raised 125 -- you just told us he wasn't  
3 doing call time. He wasn't doing a good job fundraising.  
4 You think he raised \$125,000 in 16 days?

5 A I'm just telling you I don't know that.

6 Q You don't know that. And certainly nobody verified it,  
7 correct? That number just somehow ended up in a press  
8 release.

9 MR. GALLAGHER: Objection, argumentative.

10 THE COURT: Sustained.

11 Q You said it's your practice to run press releases by  
12 your candidates, correct?

13 A Yes.

14 Q But you have no memory of ever discussing this with  
15 Mr. Das?

16 A No. Other than to make sure that the information was  
17 correct.

18 Q Well, did you -- do you remember you had a conversation  
19 with him, "Did you raise \$125,000 in the last 16 days"?

20 MR. GALLAGHER: Objection. Asked and answered.

21 THE COURT: Overruled.

22 A I would have had the conversation with Molly Horan.

23 Q You would have had. You don't remember it. You're  
24 assuming you did.

25 A That was from five years ago.

1 Q I agree with you. It's a long time ago.

2 So you don't have a specific memory. You're  
3 assuming you probably did, but you really don't know?

4 A Well, that's my practice.

5 Q That's your practice. So you're agreeing with me.  
6 You're assuming you did, but you really don't know?

7 A Correct.

8 Q And the same thing about your conversations with Mr. Das  
9 and cash on hand. You're assuming you did, but really can't  
10 recall a specific conversation, can you?

11 A So, to be clear --

12 Q Just if you can answer my question, yes or no? Can you  
13 recall a specific conversation?

14 A I can't recall, no.

15 Q Thank you.

16 Now, I want to go back to your first meetings --  
17 oh, the other thing is Mr. Gallagher asked you about in-kind  
18 contributions. Do you remember that?

19 A Yes.

20 Q You expressed a little skepticism?

21 A Hm-hmm.

22 Q In-kind contributions can come from the candidate,  
23 correct?

24 A I don't know how that would work.

25 Q Candidate uses his credit card or her credit card to pay

1 for various things for the campaign. That's an in-kind  
2 contribution from the candidate.

3 A I'm not familiar enough with the rules to -- if that had  
4 been raised, to say that.

5 Q So you're not familiar with the FEC rule that discusses  
6 candidates making these in-kind contributions --

7 MR. GALLAGHER: Objection.

8 Q -- is that what you're testifying?

9 MR. GALLAGHER: Objection.

10 THE COURT: You can't object before I hear the  
11 question. You may know what Mr. Kendall is going to ask,  
12 but I've got to hear it first.

13 Let's try again.

14 Q Are you aware that the FEC actually publishes rules  
15 about in-kind contributions from candidates?

16 A I'm sure they do.

17 Q You're sure they do, but you haven't read it.

18 A No.

19 Q So when you're expressing skepticism about his  
20 statements of in-kind contributions, are you assuming  
21 that -- well, strike that.

22 You're expressing skepticism about in-kind  
23 contributions. You're assuming they're not contributions  
24 from him?

25 A My skepticism about in-kind --

1 Q Excuse me. Just answer my question.

2 MR. GALLAGHER: Objection.

3 Q You're assuming the contributions are not from him?

4 MR. GALLAGHER: Your Honor, I object to Mr. Kendall  
5 interrupting the witness when he's trying to answer.

6 THE COURT: It's fair enough for him to ask for an  
7 answer to his question. The witness is doing his best.  
8 Let's go on.

9 Q Could you just tell me, yes or no, are you assuming  
10 those contributions were not from the candidate?

11 A Yeah, I am. Yes.

12 Q Thank you.

13 Now I want to go back to your initial meeting with  
14 Mr. Das.

15 You met with him back sometime in the fall of 2017?

16 A Correct.

17 Q Now, you've worked with a lot of campaigns, just to  
18 state the obvious, correct?

19 A Yes.

20 Q You worked with a lot of first-time candidates, correct?

21 A Yes.

22 Q Do you agree with me in terms of running a successful  
23 political campaign experience matters?

24 A Maybe.

25 Q Isn't that why people hire you?

1 A Well, it might be why people hire me, but there's lots  
2 of successful campaigns run by people who don't have  
3 experience.

4 Q Are you telling us people don't need to hire consultants  
5 with lengthy experience?

6 A Maybe not.

7 Q But lots of them do, correct?

8 A Correct.

9 Q And lots of people think that's a successful way to run  
10 a campaign, correct?

11 A Correct.

12 Q And would you agree with me that most congressional  
13 campaigns do hire consultants?

14 A Yes.

15 Q And they have consultants who specialize in various  
16 things, correct?

17 A Yes.

18 Q You told us you were a press person. Eric is the  
19 fundraising person?

20 A Hm-hmm.

21 Q When Mr. Das and Mr. Chaudhuri visited you back in the  
22 fall of 2017, one of the things you talked about was your  
23 experience and skill in advising first-time candidates,  
24 correct?

25 A Probably, yes.

1 Q And you cited the very impressive campaign of Seth  
2 Moulton first time out is the type of things you could help  
3 a candidate accomplish as a first-time candidate?

4 A It's a fact that I had helped Seth Moulton, yes.

5 Q It was a great campaign, correct?

6 A It was.

7 Q Don't be modest.

8 I mean it was very successful, very effective for a  
9 first-time candidate, correct?

10 A Correct.

11 Q And one of the things you told them was you could  
12 actually create the whole organizational structure for a  
13 campaign, and you cited the Moulton one as an example you've  
14 done for a first-time candidate.

15 A Yes.

16 Q And they hired you to be the general consultant,  
17 correct?

18 A Yes.

19 Q Molly was doing -- Molly Horan was doing the press day  
20 to day, correct?

21 A Yes.

22 Q About how much of her time was spent on the campaign?

23 A I don't know. Campaigns take time, so -- but I didn't.  
24 We don't track it that way.

25 Q And then Eric Chast was doing the fundraising?

1 A Yes.

2 Q And would you agree -- were you aware at the time that  
3 Eric had never done any fundraising as a finance director on  
4 a federal campaign?

5 A He's a fundraiser.

6 Q As a finance director.

7 A I don't know that.

8 Q Are you aware that he had never done any FEC reporting  
9 before?

10 A No.

11 Q Of course you're aware he was doing that for the Das  
12 campaign, correct?

13 A I don't know that actually.

14 Q You don't?

15 A No.

16 MR. KENDALL: Could we have G-26, please.

17 (Exhibit published to the jury.)

18 Q So Eric worked on that campaign starting from mid  
19 November to mid May about -- is that six months, if I  
20 counted correctly? Does that seem close to you?

21 A That sounds right.

22 Q And do you see where it --

23 MR. KENDALL: Excuse me. I'm going to have to look  
24 over your screen.

25 Q Do you see in the middle where he says, "Hey Beej, I do

1 these for you."

2 He's referring to the FEC reports.

3 A I see that.

4 Q Until you saw that memo, did you realize he was filing  
5 the FEC reports for the Das campaign?

6 A I didn't realize he was filing them. I know they were  
7 being filed.

8 Q Did you realize he was completing them and submitting  
9 them?

10 A No. He was in charge of fundraising.

11 Q And so is he doing this as a side gig?

12 A No. The filing is part of the fundraising. Someone has  
13 to do it.

14 Q Filing the FEC 3 reports are a part of his fundraising  
15 responsibilities. Are you aware that he had never done that  
16 before in a federal campaign?

17 A I don't know that -- what campaigns he worked on before  
18 he -- I don't know specifically what campaigns he worked on  
19 before he joined with me.

20 Q So when you gave the Das campaign the pitch, We can set  
21 up the first-time candidate and do everything for you, you  
22 didn't realize that your fundraising person had never done  
23 any of these responsibilities at the federal level before?

24 A He was a fundraiser.

25 Q Was he a fundraiser before for federal congressional



1 campaigns?

2 A I don't know what campaigns he worked on.

3 Q You hired him. You didn't know his background before  
4 you hired him?

5 A Well, I did at that time.

6 Q Well, he still works for you now, doesn't he?

7 A I don't look at his resume every day.

8 Q So when you were pitching him out to candidates, you  
9 didn't know what his capabilities were? You were just in  
10 sell mode?

11 A That's incorrect.

12 Q Well, you didn't know what his experience was at the  
13 federal level, correct?

14 A Correct.

15 Q And this was a federal campaign.

16 A (No response.)

17 Q Did he ever -- did Mr. Chast ever come and ask you for  
18 any guidance or help in doing his FEC work on the Das  
19 campaign?

20 A No.

21 Q Did you ever make any attempt to supervise him in his  
22 work?

23 A We spent a lot of time on -- talking about call time.

24 Q Did you talk to him about the FEC 3 filings and how that  
25 was going, and was he in control of it, or did he need help?

1 A FEC 3?

2 Q Yes, the form. It's called an FEC-3 form.

3 A No.

4 Q The quarterly forms. You never discussed any of that  
5 with him?

6 A Just for the press release.

7 Q So he was on his own for that; is that fair to say?

8 A Well, working with whoever was on the finance team in  
9 the fundraising.

10 Q But nobody else from your department, nobody else from  
11 Liberty Square, correct?

12 A No, correct.

13 MR. KENDALL: Could we have Exhibit I-770, and if  
14 we could show that to the witness, and can we give a copy,  
15 please, to the government.

16 Q Do you recognize I-770?

17 A I can't see it.

18 MR. GALLAGHER: I can't see it, counsel. Do you  
19 have a copy?

20 MR. KENDALL: I hope we do.

21 I'm happy to show you mine, but I need it back.

22 Q Do you recognize this?

23 A It appears to be from our website.

24 Q It's from your website, correct. And it describes the  
25 services you provide in campaign management, correct?

1 A Yes.

2 MR. KENDALL: I would like to offer this into  
3 evidence, your Honor, as our next exhibit.

4 THE COURT: What would be the next number?

5 THE CLERK: One hundred sixty-one.

6 MR. GALLAGHER: No objection, your Honor.

7 **(Defendant's Exhibit No. 161 received in evidence.)**

8 A JUROR: We don't see it.

9 THE CLERK: You shouldn't until now.

10 THE COURT: Generally, until I admit it, it won't  
11 show on the screen. So you can put it up now so the jurors  
12 can see it.

13 (Exhibit published to the jury.)

14 Q So this is on your website what you advertise to  
15 prospective candidates, right?

16 A Yes.

17 Q And this is why they should hire Liberty Square Group,  
18 correct?

19 A One of the reasons.

20 Q Excuse me?

21 A One of the reasons.

22 Q Okay.

23 If we go to the third category there, it says,  
24 "Compliance. Campaigns push candidates to the extremes of  
25 physical and mental exhaustion."

1           That's a true statement, isn't it?

2       A    It is.

3       Q    "The only thing a candidate should worry about is how  
4       many voters they've talked to in a day.  Liberty Square  
5       Group will get your paperwork filed, set up your banking and  
6       compliance, walk you through the dos and don'ts of campaign  
7       finances, and file reports on your behalf."

8           That's what it says, correct?

9       A    Correct.

10      Q    And that's part of the services you told Mr. Das that  
11      you would provide, correct?

12      A    I don't know that that's in our statement of work, but  
13      that's on our website.

14      Q    And if Mr. Chast was doing the FEC filings even without  
15      your knowledge, that's what he is supposed to be providing,  
16      correct?

17      A    Well, Mr. Chast does filings.  He does them for  
18      campaigns we have now for candidates.

19      Q    But I'm talking back six years ago.

20      A    Right.

21      Q    That's what he should have been doing back six years  
22      ago?

23      A    Well, he was in charge of fundraising.

24      Q    Well, he's also filing FEC 3 forms, correct?

25      A    Which is a part of what he needs to do --

1 Q Part of fundraising --

2 A -- in his --

3 MR. GALLAGHER: I just want to object. The witness  
4 is trying to finish his answer.

5 MR. KENDALL: I'm sorry, your Honor.

6 THE COURT: Yes, let the witness finish.

7 MR. KENDALL: I apologize for my manners.

8 Q Please go ahead and finish your answer.

9 A The filing is part of what you need to do when you're  
10 raising money.

11 Q Yes. You have to have some compliance steps as part of  
12 your filing, correct?

13 A Yes.

14 Q "Campaigns push candidates to the extremes of physical  
15 and mental exhaustion."

16 You thought Mr. Das was too distracted from the  
17 campaign by his businesses, correct?

18 A I don't know what he was distracted by.

19 Q Did you get a sense at some point that the businesses  
20 were having issues?

21 A My sense was I don't know anything about Mr. Das'  
22 business. It's not something I've ever been involved in.  
23 But I'm not surprised that it's complicated and there's a  
24 lot of moving parts.

25 Q Would you agree with me if a person tries to run a

1 complicated business and run for Congress in a crowded field  
2 at the same time, that's very demanding and pushing someone  
3 to the extreme, correct?

4 A It's demanding, yeah.

5 Q As far as you're concerned, being a candidate for  
6 congress should be a full-time job, correct?

7 A Every candidate I have is -- has, you know, families.  
8 It's a complicated life. It's not always -- there's very  
9 few people who are just laser-focused and only do  
10 campaigning.

11 Q But a lot of people in this room have lives and a  
12 full-time job, correct?

13 A Correct.

14 Q But running for Congress, it's not something you should  
15 do as a part-time job. It's a full-time commitment?

16 A As I mentioned, the fundraising is a full-time job when  
17 you're a new candidate.

18 Q Now, when you were having this meeting with Mr. Das and  
19 Mr. Chaudhuri, you had the impression that Mr. Chaudhuri was  
20 his principal adviser, correct?

21 A Yes.

22 Q And did you notice in the meeting that Mr. Das would  
23 look to him and sort of defer to his judgment or wait to  
24 hear his comments?

25 A I don't know if I remember that. I remember they had a

1 very easy working relationship.

2 Q And you viewed him as his chief adviser, his principal  
3 adviser, correct?

4 A Yes.

5 Q His closest confidant?

6 A Yes.

7 Q And Mr. Chaudhuri would travel to Massachusetts  
8 frequently from D.C.?

9 A Yes, that's my understanding.

10 Q When you thought the campaign was disfunctional and  
11 wanted to implement change, you went to Mr. Chaudhuri hoping  
12 he would have Mr. Das' ear?

13 A Yes.

14 Q Would you agree with me Mr. Chaudhuri was actually  
15 actively involved in trying to get the fundraising going?

16 A I don't know that.

17 MR. KENDALL: Can we take a look at I-133.

18 And this is -- the government produced the document,  
19 your Honor.

20 Q Is this an email that you exchanged with Mr. Chaudhuri?

21 A It says "from Toby," but it says, Hi, Scott -- no, I get  
22 it. Sorry.

23 Q From Toby to you, correct?

24 A Yes.

25 MR. KENDALL: Your Honor, I would like to mark that

1 as the next exhibit, please.

2 MR. GALLAGHER: No objection.

3 **(Defendant's Exhibit No. 162 received in evidence.)**

4 MR. KENDALL: Can we show it to the jury, please.

5 (Exhibit published to the jury.)

6 Q If you can see that, it's December 13, 2017. So that's  
7 in the middle -- this is the middle of December in Q4, the  
8 last month of Q4, correct?

9 A Yes.

10 Q And Chaudhuri is writing to you, "We need to drastically  
11 ramp-up our fundraising machine," correct?

12 A Yes.

13 Q And he raises to you call-time, fundraising tactics, and  
14 other things they need to be doing.

15 A Yes.

16 Q Would you agree with me Mr. Chaudhuri seemed to be  
17 involved in many of the important issues in the campaign,  
18 correct?

19 A He, from my observation, was, yes.

20 Q Staffing?

21 A (No response.)

22 Q Hiring the campaign manager?

23 A Again, Mr. Das came with a campaign manager, so I don't  
24 know about that.

25 Q So you didn't see that when it happened.



1           Certainly fundraising he was involved in, the  
2           liaison to the Indian community around the United States.

3           A    It's my understanding -- I don't know how hands-on that  
4           was or if it was a higher level, you know, but certainly  
5           interested in it.

6           Q    And you discussed fundraising goals with Mr. Chaudhuri,  
7           correct?

8           A    Well, we were all clear about what we felt the target  
9           number had to be, yes.

10          Q    You, based upon your experience in trying to be, you  
11          know, pretty objective about it, thought 1.5 to 1.7 was sort  
12          of the range you had to come in at to have a chance at  
13          winning the campaign?

14          A    Yes.

15          Q    In fact, the numbers were much higher in this campaign,  
16          weren't they?

17          A    Right, but those don't always translate into a winning  
18          campaign.

19          Q    But in this case, number one and two both had much  
20          higher numbers, correct?

21          A    I was focused on Mr. Koh's money because he was leading  
22          the charge. I don't know what Congresswoman Trahan was.

23          Q    Let's talk about the race for a little bit.

24                   If we want to put aside political views and  
25           political policy issues, if we just look at politics like a

1 sport, this was a great race, wasn't it?

2 A I'm not sure what you mean by that.

3 Q You had Daniel Koh, who was a closely allied with the  
4 mayor of Boston and his former chief of staff, a bright,  
5 politically experienced guy, who raised over \$3 million,  
6 correct?

7 MR. GALLAGHER: Objection. Relevance.

8 THE COURT: Sustained.

9 Q The point I want to make is, there were a lot of people  
10 there with a lot more opportunities to have a chance of  
11 winning than Mr. Das, correct?

12 A I'm -- I don't know what you're -- I don't know what you  
13 mean by that.

14 Q Mr. Koh, he had the backing of the mayor of Boston,  
15 correct?

16 MR. GALLAGHER: Objection. Relevance.

17 THE COURT: Sustained.

18 Q A lot of the candidates in that race had more political  
19 experience, better networks to raise money, better  
20 connections in labor unions and political organizations than  
21 Mr. Das, correct?

22 MR. GALLAGHER: Objection.

23 THE COURT: I'll allow that one.

24 A I don't know that to be true.

25 Q Well, you certainly know that's true of Dan Koh.

1 A No, I don't.

2 Q Dan Koh raised over \$3 million, didn't he?

3 A That's a fact.

4 Mr. Das on paper looks as impressive as Dan Koh to  
5 me.

6 Q Dan Koh had the support of the mayor of Boston?

7 MR. GALLAGHER: Objection.

8 THE COURT: Yeah. I don't see what this has to do  
9 with this case.

10 MR. KENDALL: Your Honor, if I may have a few  
11 questions. It's actually an important issue for us.

12 THE COURT: Can we get to the point?

13 MR. KENDALL: Okay.

14 Q The point I want to make is it was pretty clear that  
15 Mr. Das didn't have a chance in this campaign because he  
16 wasn't raising money and other people were raising lots of  
17 money and had lots of political support.

18 A I don't believe that to be true.

19 Q So you don't believe that the support of the mayor of  
20 Boston --

21 MR. GALLAGHER: Objection.

22 THE COURT: Sustained.

23 Q So even though people were raising 3, 4 million dollars,  
24 getting labor unions and established political figures to  
25 throw their support behind them, you think that really

1 didn't make much of a difference.

2 MR. GALLAGHER: Objection. Asked and answered.

3 THE COURT: I think the point is that the campaign  
4 just didn't do very well.

5 Q The campaign didn't do very well in very strong  
6 competition.

7 A I don't agree with that.

8 Q You don't think that Dan Koh was strong competition with  
9 over \$3 million and labor unions?

10 A I have a long history of working on campaigns. Seth  
11 Moulton was 56 points behind John Tierney who had every  
12 institutional player in his corner. So I don't think at the  
13 start that Mr. Das was at a disadvantage in that raise.

14 Q But would you agree with me if someone had raised  
15 millions of dollars and had established political  
16 organizations behind them, it's very helpful?

17 A No, I don't agree with that.

18 Q Okay --

19 A Dan Koh lost.

20 Q Dan Koh lost by 145 votes?

21 A Right.

22 Q Lori Trahan had worked for the prior Congressman Marty  
23 Meehan for years and had a great political network, right?

24 MR. GALLAGHER: Objection to this line of  
25 questioning.

1 THE COURT: Yes, we are getting off.

2 Q The point being -- in April there was a debate, I think  
3 sponsored at the University of Lowell, and Mr. Das was not  
4 allowed to participate in the main debate. Do you remember  
5 that?

6 A When was this?

7 Q In April.

8 A I do remember that, yes.

9 Q What happened was they divided the candidates into two  
10 tiers, those that either had done high in polls or had some  
11 other criteria could go to the main debate, that's like five  
12 or six, and the rest were not allowed to participate,  
13 correct?

14 A I don't remember the split, but, yes.

15 Q And this came out shortly after the poll from Barbara  
16 L'Italien that Mr. Gallagher asked you about. That was in  
17 March. This was in April, correct?

18 A Yes.

19 Q And everybody who didn't -- Mr. Das was one of the  
20 people that didn't make the main debate, correct?

21 A Correct.

22 Q And the sort of phrase people used for those that were  
23 put in the second group, not the first, was, They were sent  
24 to the kiddie's table. Do you remember that?

25 A I don't remember who said that.

1 Q But do you remember that was a phrase used, the  
2 "kiddie's table"?

3 A Perhaps.

4 Q And it meant that people weren't taking their campaigns  
5 very seriously, correct?

6 A Yes. That is correct.

7 Q And it would be fair to say that to be put in the  
8 kiddie's table in the campaign is a tremendous impediment to  
9 overcome?

10 A I would agree with you on that it was not a very well  
11 run campaign. That's different.

12 Q Yeah.

13 So if you've got a poorly run campaign and it's  
14 recognized and it's accurately classified as belonging at  
15 the kiddie's table, it is a campaign that looks like it's  
16 not going to win, correct?

17 A Unless it raises money very quickly.

18 Q But you just told us that money isn't everything, that  
19 Dan Koh's money wasn't everything and Lori Trahan's money  
20 wasn't everything.

21 A You don't need \$3 million. You do need 1.5 to 1.7  
22 million dollars. I firmly believe that. And I've run  
23 campaigns --

24 Q Sure.

25 A -- where they've raised that money and have won.

1 Q And if he could have raised that, he might have had a  
2 chance, is what you're saying?

3 A Yes.

4 Q But instead he didn't raise it, and by March or April he  
5 was publicly recognized as being at the a kiddie's table,  
6 correct?

7 A Yes.

8 MR. KENDALL: Your Honor, if I may have one moment  
9 to confer, please?

10 THE COURT: You may, of course.

11 (Pause in proceedings.)

12 MR. KENDALL: Your Honor, I just need to check my  
13 notes, and I'll be done in a moment.

14 (Pause in proceedings.)

15 Q You know, what happened was you ended work in the  
16 campaign in May; is that correct?

17 A I believe so.

18 Q You had a conversation with Mr. Das and Mr. Chaudhuri  
19 where they told you they loved Molly Horan, they thought she  
20 did great work, but they were unhappy with Eric Chast as the  
21 fundraiser, correct?

22 A I don't remember that specifically.

23 Q And they told you they wanted to cut your fee from  
24 10,000 to a smaller amount and use Molly Horan but not use  
25 Eric Chast, correct?

1 A I don't remember that at all.

2 Q And in mid May, that's when your relationship -- working  
3 in the campaign ended, correct?

4 A It ended in whatever -- yeah, mid May or whatever day.

5 But not after that conversation. I don't remember  
6 that conversation.

7 Q It ended on May 18, May 19, wasn't that the -- May 18  
8 was the meeting at the Stonehedge, and then the next day the  
9 relationship was formally ended?

10 A If that's what you're saying.

11 (Pause in proceedings.)

12 MR. KENDALL: That's all I have for the moment,  
13 your Honor. Thank you.

14 THE COURT: Any need for redirect, Mr. Gallagher?

15 MR. GALLAGHER: Just a couple, your Honor.

16 **REDIRECT EXAMINATION**

17 **BY MR. GALLAGHER**

18 Q Mr. Ferson, did you leave the campaign, or did Mr. Das  
19 fire you from the campaign?

20 A I left the campaign.

21 Q For what reason?

22 A I've worked on dysfunctional campaigns before. I worked  
23 on dysfunctional campaigns up to election day before. I  
24 thought we had had a good meeting in Maryland. The meeting  
25 is Stonehedge was not a good meeting. They, in fact,



1 mimicked the campaign manager.

2 Q You didn't like that?

3 A I didn't like that.

4 Q Based upon that you left?

5 A Based upon that.

6 We had had a drink. I thought it was going to be a  
7 nice meeting, and I threw down a \$20 bill and left the  
8 hotel.

9 Q You asked -- Mr. Kendall asked you about fundraising  
10 versus compliance. Do you recall those questions?

11 A (Witness nods.)

12 Q Can you explain to the jury what the difference is.

13 A So when you're the general consultant and you're hired  
14 to do different things, there's a lot of components in  
15 communications. I'm very familiar with all those  
16 components, dealing with the press, putting out press  
17 releases, messaging, all of that.

18 Fundraising, in a category and a proposal like that  
19 also, encompasses a lot of things, a lot of which are done  
20 by the person who's the fundraiser, and others that are done  
21 by professionals who do that.

22 Q In your prior campaigns you had worked on, have there  
23 been treasurers involved in the campaign?

24 A Yes. You have to, yes.

25 Q Why is it that you have to have a treasurer?

1 A It's the first thing -- the first thing you do to set up  
2 a campaign committee. You have to have a treasurer.

3 Q And typically what does a treasurer do?

4 A A treasurer is responsible for the veracity of the  
5 filings.

6 Q Do you know whether or not the Das for Congress campaign  
7 actually had a treasurer?

8 A I think -- it was my assumption that you have to, that  
9 it did, yes.

10 Q Did you ever talk to that person?

11 A No.

12 Q When making phones calls, in your experience,  
13 Mr. Ferson, who is the person who is the best person to make  
14 the phone calls to solicit contributions?

15 A The candidate.

16 Q Why is that?

17 A Because you're writing a check, a very large check, to  
18 the candidate. You want to talk to the candidate.

19 MR. GALLAGHER: That's all I have, your Honor.

20 THE COURT: Anything, Mr. Kendall?

21 MR. KENDALL: A little bit, your Honor.

22 THE COURT: All right.

23 **RECROSS-EXAMINATION**

24 **BY MR. KENDALL**

25 Q You're familiar with the role of a treasurer in a

1 campaign, correct?

2 A I'm not familiar with the role of a treasurer other than  
3 you need one.

4 Q So you're familiar that the role exists --

5 A Yes.

6 Q -- correct?

7 A Correct.

8 Q Are you familiar with what's the qualifications to be a  
9 treasurer?

10 A No.

11 Q If I were to suggest to you there are no qualifications,  
12 anybody could be a treasurer, would you agree?

13 A I would agree that based on my experience I wouldn't --  
14 that sounds right.

15 Q Would you also agree that it's a common practice,  
16 endorsed on the FEC website, that the treasurer doesn't have  
17 to have any political experience at all, they just hire a  
18 professional staff to help them?

19 A It often doesn't.

20 Q Excuse me?

21 A Often doesn't have political experience.

22 Q And they hire someone to support them in that, correct?

23 A It might be a CPA, right.

24 Q Or it might be Eric Chast?

25 A I don't know if he's ever been.

1 Q He certainly sent an email to Mr. Das saying, "I do this  
2 for you," correct?

3 MR. GALLAGHER: Objection. Misleading.

4 THE COURT: Well, it's not misleading. It's  
5 outside the scope of the redirect.

6 MR. KENDALL: No further questions, your Honor.

7 THE COURT: Thank you very much, Mr. Ferson, for  
8 your testimony.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 THE COURT: Jurors, I fully intend to have you out  
12 by four. Does anyone need a break now? Can we make it to  
13 four o'clock? Are you comfortable?

14 (Jurors nod affirmatively.)

15 THE COURT: Okay. Next witness then.

16 MS. WAN: Your Honor, the government calls Eric  
17 Chast.

18 (Pause in proceedings.)

19 THE CLERK: Please raise your right hand.

20 **ERIC CHAST, sworn**

21 THE CLERK: Thank you.

22 Please be seated.

23 Could you please introduce yourself, spelling your last  
24 name for the record?

25 THE WITNESS: My name is Eric Chast. "Chast" is

1 spelled, C-H-A-S-T?

2 **DIRECT EXAMINATION**

3 **BY MS. WAN**

4 Q Good afternoon, Mr. Chast.

5 What do you do for work?

6 A I'm the chief operating officer at Liberty Square Group.

7 Q Will you briefly describe your educational background.

8 A Sure. I have a communications and history degree from  
9 Appalachian State University, and then I have a masters in  
10 business administration from Hult International Business  
11 School.

12 Q How long have you worked at Liberty Square Group?

13 A I started around October 2016.

14 Q So that's about seven years?

15 A Yes.

16 Q And tell us about the types of work that you did before  
17 joining Liberty Square Group.

18 A I started working on campaigns before I graduated from  
19 my undergrad, working in field. It's like knocking on  
20 doors, making phone calls to potential voters. I did that  
21 for a presidential campaign.

22 I worked in field for a few more years on different  
23 campaigns in West Virginia and Virginia and made it up to  
24 Boston, where I did fundraising briefly before going into  
25 the payroll department and doing more administrative work

1 for a company called Grassroots Campaigns.

2 From there, I joined the Connolly -- John  
3 Connolly's mayoral campaign. I joined that as his finance  
4 director in charge of fundraising.

5 And from there I worked on a few more campaigns,  
6 and then got to a nonprofit, educational nonprofit, for a  
7 year before going back to school.

8 Q And before you joined Liberty Square Group, had you ever  
9 worked on any federal campaigns?

10 A I mean, except for the field campaign, my first job, I  
11 was an intern, nothing real, no.

12 Q Had you worked on state campaigns?

13 A Yes.

14 Q And at Liberty Square Group, what different positions  
15 did you hold?

16 A I joined as voice president of fundraising and  
17 investment, which is the nonprofit term for fundraising.

18 And then in 2018, when our CEO left, I became the  
19 business manager, and we quickly changed that title to  
20 "COO."

21 Q What types of services did you provide as the director  
22 of fundraising?

23 A Fundraising. So for political campaigns I would teach  
24 the candidates how to fundraise, how to organize and make  
25 their networks as impactful as possible for the campaign.

1 Q At Liberty Square Group did you work on both state and  
2 federal campaigns?

3 A It wouldn't have been until -- I worked for Niki Tsongas  
4 for four days until she decided she was going to retire. So  
5 I didn't really do anything for her. And then it would have  
6 been Beej's campaign after that.

7 Q Now, you mentioned Mr. Das's campaign. Tell us about  
8 the race that Mr. Das was running for.

9 A This is the Third Congressional District, so like the  
10 Congressperson that traditionally is from Lowell.

11 Q How did you first meet Mr. Das and learn that he was  
12 interested in running for that office?

13 A We interviewed several candidates from -- that were in  
14 that race, and he was one of them that came into our office.

15 Q What do you remember about that meeting when Mr. Das  
16 came into your office?

17 A He seemed like the most organized of all the candidates.  
18 No one else really came with -- with really -- more than a  
19 staffer. But he was flanked by his campaign chair on one  
20 side and his campaign manager on the other.

21 Q What if anything did Mr. Das tell you about his  
22 fundraising at that point?

23 A He had said he had raised about \$50,000 at that point.

24 Q And later on -- and exactly when was this meeting, if  
25 you remember?

1 A It was in the fall, that's all.

2 Q And you mentioned he said that he initially told you he  
3 raised \$50,000. What did you later find out about that  
4 claim?

5 A That at the time he said it, he hadn't actually raised  
6 any of that money.

7 Q And why did LSG select Mr. Das to be their candidate  
8 that they would work with?

9 A We found him the most compelling. He had a background  
10 as a constitutional lawyer, the way he answered questions,  
11 he was extremely thoughtful.

12 Q What qualities did the defendant promote when he talked  
13 about running for office.

14 A What qualities?

15 Yeah, I remember mostly his -- you know, his  
16 background, His father's story, making it here in America,  
17 him being an attorney, working in India for several years,  
18 being a -- I think it might have been a clerk for a judge,  
19 and those sorts of things.

20 Q Showing you what has already been admitted as Exhibit 6,  
21 do you recognize this email chain?

22 A Yes.

23 Q Who is this email chain between?

24 A So this is Beej sending an email to Scott Tully, with  
25 Toby and me BCC'd here.



1 Q Who is Scott Tully?

2 A He was someone who often would make a contribution to  
3 the campaign.

4 Q A potential donor?

5 A Yes.

6 MS. WAN: So if you could go, Ms. Comcowich, to the  
7 second page and blow up the paragraph starting with, "I'd  
8 love to reconnect with you..."

9 Excuse me. I'm sorry. Could you blow up the  
10 paragraph after that, "My strengths are, of course..."

11 (Exhibit published to the jury.)

12 Q Mr. Das [sic], does this accurately describe the types  
13 of qualities that Mr. Das promoted when he was fundraising?

14 A Yes. Yeah.

15 Q And is it true that Mr. Das touted that he was a  
16 constitutional lawyer by training and clerked for a  
17 prestigious judge?

18 A Yes.

19 Q Let's talk about your role as -- in the Das campaign.  
20 What was your title?

21 A Finance director.

22 Q What does the finance director do?

23 A They're in charge of fundraising.

24 Q What does that entail?

25 A Fundraising -- as the finance director, you're putting a

1 system in place. So you're not making asks of anyone  
2 directly, but you are stewarding the candidate in how to  
3 make those asks, and you're giving them a system where you  
4 can track them through call time. You can follow-up with  
5 donors and make sure that you're asking for the correct  
6 amounts and -- as much as possible.

7 Q How did you provide that system to a candidate?

8 A Well, I mean, the system itself, you start by just going  
9 through the candidate's personal contacts. So organizing  
10 based on how close you are with each group of people. Often  
11 it's your family, followed by your alumni networks, followed  
12 by your professional networks. Then prioritizing who could  
13 gift the most money.

14 Then you have to go from there.

15 So now you go back to who you are closest to and in  
16 that group who could give the most.

17 And you then start making calls. We call that  
18 "call time."

19 You often sit next to the candidate with the list,  
20 and they, as quickly as possible, go through making a hard  
21 ask.

22 And when a person does commit to donate, sending a  
23 follow-up right away with a "thank you," the urgency, or the  
24 hook, whether I should give now or not or in two or three  
25 weeks, as well as -- if I didn't already say this,

1       apologies, but the specific amount that that person did  
2       commit to.

3       Q     Did you ever -- during any of these call-time sessions,  
4       did you ever make any calls to ask for donations for  
5       Mr. Das?

6       A     I did not.

7       Q     Why is that?

8       A     Because it just wouldn't be as impactful. It's like, if  
9       you're running for Congress, the idea of me calling, you  
10      know, your aunt and asking would actually be  
11      counterproductive. It might actually be insulting for them.  
12      It's always most impactful coming from the person that needs  
13      to raise the money.

14            MS. WAN: If we could pull up Exhibit 1, page 3,  
15      please, and if you could highlight the section starting  
16      "fundraising."

17            (Exhibit published to the jury.)

18      Q     Now, Mr. Chast, does that accurately reflect the type of  
19      services you provided to Mr. Das' campaign?

20      A     Yes.

21      Q     And I notice the last bullet point says, "Ensure data  
22      integrity in NGP VAN." What does that mean?

23      A     That means putting everything in NGP. If there's -- you  
24      look at your contacts or bad phone numbers, going out and  
25      finding better information.

1 Q What is NGP VAN?

2 A It's the democratic database. So it's what most  
3 democratic candidates would use to track their fundraising  
4 potential donors and any commitments that haven't come in  
5 yet. Those sorts of things.

6 Q Does it also track actual donations?

7 A Yes.

8 Q And did Mr. Das' campaign use this software, NGP VAN?

9 A We, at least for a few months, I believe we did, yes.

10 Q Now, I notice that the statement of work doesn't discuss  
11 filings?

12 A Correct.

13 Q Did you come to prepare the FEC filings for Mr. Das'  
14 campaign?

15 A I came to prepare them, yeah.

16 Q And how did that come about?

17 A Organically.

18 So I was there to fundraise. And at that point the  
19 campaign manager had left. So there wasn't really anyone  
20 else that would have been able to put together the  
21 spreadsheets from the database. And it just made the most  
22 sense. It happened organically.

23 Q You mentioned the campaign manager had left. Who was  
24 that campaign manager?

25 A His first name was Luke.

1 Q And we'll talk more about the FEC contributions in  
2 moment.

3 But going back to the contributions, what were the  
4 different ways that a person could make a donation?

5 A Well, they could make a donation online, or write a  
6 check, would be the two most common.

7 Q And online, what system did the Das campaign use to  
8 collect online contributions?

9 A ActBlue.

10 Q How did -- what, if anything, did you do to monitor the  
11 ActBlue contributions?

12 A So with ActBlue I do a few things. I could create  
13 specialized contribution links. So if somebody were to  
14 commit to raise money for us or if we were to have a  
15 specific event, we could create a link that would track the  
16 success of anyone's particular efforts, as well as have  
17 access through the back end, where I could download the  
18 spreadsheet from ActBlue and then upload that back to NPG  
19 VAN.

20 Q To track contributions; is that correct?

21 A Correct.

22 Q Now, you also mentioned that contributions could come in  
23 as checks. Could you describe that process?

24 A Sure. Absolutely.

25 Checks could either be mailed in, or if someone was

1 at an event, write them there and leave them. Yeah.

2 Q Who typically collected the checks?

3 A That would be Beej?

4 Q That's Mr. Das?

5 A Yes.

6 Q And what did he do with the checks after he collected  
7 them?

8 A He'd put them in the bank.

9 Q And were you aware of whether the campaign had a bank  
10 account?

11 A Yes, it had a bank account.

12 Q How did you know that the campaign had a bank account?

13 A Because Beej said it had a bank account.

14 Q Did you have any access to the campaign's bank account?

15 A No.

16 Q Did you ever ask for access to the campaign's bank  
17 account?

18 A Yes.

19 Q What do you remember about asking for access?

20 A I remember asking in person. I also remember asking  
21 over email.

22 Q And do you have a specific memory about when or where or  
23 any details, any specific memory, of how that -- how you  
24 asked Mr. Das for access to the bank account?

25 A I mean, specifically just that it would have been at the

1 campaign headquarters that they had.

2 Beej -- often he said, yes, but if he didn't want  
3 to follow through with something --

4 MR. KENDALL: Objection, your Honor. What he  
5 didn't want is reading my client's mind.

6 THE COURT: Fair enough. The jury will disregard  
7 the comments.

8 Q What was Mr. Das' response when you asked him for access  
9 to the bank accounts?

10 A He agreed to give it to me.

11 Q And what happened next?

12 A It didn't happen.

13 Q Why did you ask for access to the campaign's bank  
14 accounts?

15 A It's the best way to make sure I had everything I needed  
16 to track the contributions.

17 Q And if you didn't having access to the bank accounts,  
18 what did you do instead to track campaign contributions?

19 A I would have to get anything that Beej deposited from  
20 him directly.

21 Q And what form did he give you that in?

22 A It varied. I do remember his parents' contribution. He  
23 had a -- like -- they call it a "copy" of those checks. But  
24 otherwise it would come on a list.

25 Q So other than the ActBlue donations, which you could

1 confirm online, could you confirm any of the fundraising  
2 amounts and the sources when Mr. Das provided those  
3 contribution amounts to you?

4 A No.

5 Q And who did you rely on to accurately provide  
6 contribution information?

7 A Beej.

8 Q Now, Mr. Chast, are you aware that there are federal  
9 campaign contribution limits?

10 A Yes.

11 Q Do you happen to remember what the contribution limits  
12 were for the 2017-to-2018 election cycle?

13 A I believe they were -- forgive me.

14 I believe it was -- so one person could give 5,800  
15 for two campaigns. So I'm trying to divide that in half,  
16 because that's what you could give for the primary and  
17 general right now.

18 Q Let me refresh your recollection.

19 MS. WAN: If we could have Exhibit 6 at page 2,  
20 please.

21 (Exhibit published to the jury.)

22 Q Again, this is the email with the potential donor that  
23 we just discussed.

24 MS. WAN: If we could now highlight the paragraphs  
25 starting with, "I'd love to reconnect..."



1 Q And Mr. Chast, if you could read for us the sentence --  
2 the two sentences beginning, "Our first..."

3 A "Our first and biggest challenge right now is to get our  
4 fundraising engine on and active. That will require a  
5 strong network of people who can write checks of \$2,700  
6 each."

7 Q And, Mr. Chast, what's the significance of this figure  
8 of \$2,700?

9 A That is the amount that one person can give per  
10 campaign. So they can give that for the primary election  
11 and then again for the general election.

12 Q As Mr. Das' finance director, did you talk to him about  
13 campaign contribution limits?

14 A Yes.

15 Q In what context?

16 A That was important, to target the amount that we were  
17 going to ask.

18 Q For potential donors?

19 A Yeah. Yeah. You want to get the most possible, and so  
20 knowing how much you're allowed to ask is important.

21 Q Now, what did Mr. Das say to you about campaign  
22 contribution limits?

23 A What did he say to me?

24 Q I can rephrase.

25 When you told Mr. Das about the campaign

1 contribution limits, did he indicate that he understood  
2 that -- that there were campaign contribution limits?

3 A Yes.

4 Q How did he indicate that?

5 A Well, it's what we use for anything. So it's here in  
6 email asks, and it would be what we'd ask in call time as  
7 well.

8 Q And you were present for those call-time sessions?

9 A Not always.

10 Q Were you present for any call-time sessions when Mr. Das  
11 asked for the maximum contribution amount?

12 A Yeah.

13 Q And showing you Exhibit 11.

14 (Exhibit published to the jury.)

15 Q Could you please tell the jury what this document is?

16 A This is an email between Beej and Jay Shah, and it looks  
17 like I'm cc'd here as well as one other person.

18 Q Who did you understand Mr. Shah to be?

19 A He was the finance chair of the campaign.

20 Q And what does the finance chair do?

21 A It could be an honorary position. So most campaigns can  
22 create a finance committee, which is a title you can give to  
23 people who you believe could raise you the most money. So  
24 you put someone on the finance committee. You're hoping  
25 they're going to be able to fundraise for you later on.

1 Q As the fundraising director, did you have significant  
2 communications with Mr. Shah?

3 A I wouldn't describe it as significant. I tried reaching  
4 out.

5 Q Did you ever meet Mr. Shah?

6 A I don't recall meeting him. I -- nothing significant.

7 Q Who told you that Mr. Shah was the chair of the finance  
8 committee?

9 A Beej did.

10 Q Could you please read this section starting with "Couple  
11 can give..."

12 A "Couples can give \$5,400 for the primary, and a total of  
13 \$10,800 through the entire election cycle. To give \$10,800,  
14 two separate contributions of \$5,400 must be made, each  
15 under a separate name. I appreciate you circulating this to  
16 your executive team and others."

17 Q I see that's followed by a link. Is that one of those  
18 ActBlue links you just talked about?

19 A Yes.

20 Q Now, what was your initial impression of Mr. Das'  
21 fundraising potential?

22 A Initially, I thought it was very good.

23 Q Why is that?

24 A Well, he had been a lawyer both at Hilton, I believe.

25 It was a chain in -- that was also in India. But then also

1 he had worked for a firm here in Boston, too. So often  
2 attorneys have a great number for fundraising, and that's  
3 pretty exciting.

4 Q What was Mr. Das supposed to do in order to raise money?

5 A He was supposed to call and makes asks.

6 Q And what actually happened?

7 A That our call time got eaten up all the time for a ton  
8 of different reasons. It just didn't really come together.

9 Q How much did you expect -- as the fundraising director,  
10 how much time did you expect Mr. Das to devote to call time  
11 in a given week?

12 A A typical race, at least two hours a day.

13 Q And did Mr. Das spend that time fundraising?

14 A No. I don't believe he spent that much time  
15 fundraising.

16 Q What did he do during that time set aside for call time?

17 A Well, I was doing staffing call time the most with him,  
18 I would say in the spring, and I did it a little bit after  
19 Luke left in December. In those instances, we could start  
20 late. We could end early. Calls could come in, and they  
21 could be something that goes on for 20 minutes. When really  
22 in call time the goal is to stay on the list and keep it to  
23 two to three minutes. We could break for food, break for  
24 coffee. Discovery of like, Oh, there's an event happening  
25 in Lowell. Let's go to that instead.

1           There were lots of things happening.

2       Q   What, if anything, did you do to address Mr. Das'  
3   behavior or his lack of discipline during the call time  
4   sessions?

5       A   Well, I wouldn't say there's very much I could do, you  
6   know.

7           I do remember one time in particular we talked  
8   about having an event in Maine. And he wanted to call and  
9   book it right away. And I recommended that we get a list of  
10   20 names, cull through them, and if enough people said that  
11   they could give if you were to do an event in Maine, then we  
12   could call, schedule it, and figure out what works best for  
13   the most amount of those people.

14          We did put the list together, but we got through  
15   maybe four names before he booked the event and the call  
16   time was over.

17       Q   And did that fundraiser in Maine actually occur?

18       A   I don't remember if it actually occurred.

19       Q   Did Mr. Das raise -- excuse me.

20          Did Mr. Das participate in other fundraisers?

21       A   Yeah.

22       Q   And can you describe where those fundraisers took place.

23       A   We tried one in New York. I believe there was one in  
24   D.C., and there -- we might have tried to but not actually  
25   put together an event out in California as well.

1 Q How profitable were those fundraisers in terms of  
2 donations?

3 A I don't remember them bringing in any donations.

4 Q Did they incur costs to the campaign to put on?

5 A I -- presumably. I don't remember.

6 Q What did you observe Mr. Das doing on the day to day for  
7 the campaign outside of call time?

8 A Well, outside of call time, I wasn't -- I guess I  
9 wouldn't typically be up there. So I'm not sure how to  
10 answer that. I'm sorry.

11 Q I can rephrase.

12 In the -- on days when you did see Mr. Das, did you  
13 perceive a type of image that he tried to portray on the  
14 campaign trail?

15 MR. KENDALL: Objection, your Honor.

16 THE COURT: Yeah, I don't quite understand that  
17 question.

18 MS. WAN: I can move on, your Honor.

19 If we can go back to Exhibit 11.

20 No. Excuse me. I'm sorry. Exhibit 8.

21 That was my fault, Ms. Comcowich.

22 (Exhibit published to the jury.)

23 Q Could you describe to the jury who are the senders and  
24 recipients of this email?

25 A Yes. This is an email from Beej to Ajoy Bose. And I am

1 bcc'd on it.

2 Q Who is Mr. Bose?

3 A Another prospective donor.

4 Q And what is this email discussing?

5 A I mean -- okay. I'll take a second to read it. I'm  
6 sorry.

7 (Pause in proceedings.)

8 A It's sort of reconnecting, offering his bio. At the  
9 bottom here also it's floating ourself to ask to also make a  
10 contribution to the campaign.

11 MS. WAN: If we could highlight the section  
12 starting, "We are heading into the end of the year."

13 Q The email discusses a 12/31 deadline. What's the  
14 significance of this 12/31 deadline?

15 A We file a report every quarter. So the amount of money  
16 that was raised by December 31 was going to be the first  
17 time all the campaigns are being compared to each other  
18 based on the fundraising numbers.

19 Q Did you discuss the importance of this fundraising  
20 deadline with Mr. Das?

21 A Yeah.

22 Q What did you tell him?

23 A Well, that the contributions made at that time, they'd  
24 be public; so that the total amount, which is what we were  
25 trying to get as high possible, would be what people

1 reported.

2 Q Was there anything about this type of congressional race  
3 that would be -- that would make the fundraising total  
4 particularly important?

5 A Yeah. I mean, at this time I think you're not going to  
6 have any sort of polling information out. So as far as what  
7 any reporter would have to report, the only horse race  
8 information would be how much money each candidate had  
9 raised.

10 Q Did Mr. Das have a specific fundraising goal for the  
11 first quarter that he communicated to you?

12 A That he communicated to me? I don't remember. I do  
13 remember us talking about a \$300,000 amount, that being what  
14 some of the candidates were told they needed to raise to be  
15 viable.

16 Q After being copied on this email -- and, by the way,  
17 what's the date of this email?

18 A That is December 11, 2018.

19 Q Does this email have any mention of personal loans or  
20 Mr. Das' hotel business?

21 A It does not.

22 Q Does it have any mention of the defendant's mother,  
23 Mitra Das?

24 A No.

25 Q And after being copied on this December 11, 2017 email,



1     what steps did you take to encourage Mr. Das to follow-up  
2     with Mr. Bose?

3     A     I would have done a number of things. I would have put  
4     it in the contribution tracker, followed-up in person. I at  
5     times did like the calendar invites. Just -- yeah.

6     Q     And showing you --

7             MS. WAN: Ms. Comcowich, could you pull up  
8     Exhibit 9 and Exhibit 10.

9             (Exhibits published to the jury.)

10    Q     Mr. Chast, what's shown here in previously admitted  
11    Exhibits 9 and 10?

12    A     This looks likes a calendar. I am using it as a  
13    reminder.

14    Q     Who are you reminding?

15    A     Beej.

16    Q     What are you reminding him of?

17    A     To follow up with Ajoy.

18    Q     Why is that important?

19    A     We believe Ajoy could give the \$10,800 amount between  
20    him and his spouse.

21    Q     Showing you Exhibit 12, is this an email from Mr. Bose  
22    to Mr. Das copying you?

23    A     Yes.

24    Q     And does this discuss the contribution?

25    A     That's my understanding, yeah.

1 Q Now, do you remember helping Mr. Bose with his  
2 contribution?

3 A I do.

4 Q What do you remember?

5 A I connected with Ajoy over the phone and was able to  
6 take their information in order to put it through ActBlue  
7 myself.

8 Q Now, you mentioned the 12/31 fundraising deadline.

9 If I could show you Exhibit 13, can you describe  
10 for the jury what this document is?

11 A This is an email from me to Beej and Deb, and it looks  
12 like I'm celebrating our success.

13 Q By the way, who is Deb Belanger?

14 A She was a campaign staffer that stuck with Beej through  
15 a lot of the campaign, yeah.

16 Q And what's the date on this email?

17 A 12/30/2017.

18 Q What are you telling Mr. Das and Deb about their  
19 fundraising totals?

20 A I'm reporting the number in NGP and celebrating it as a  
21 whirlwind and congratulating them.

22 Q What was the exact fundraising total to date?

23 A So the total in NGP, \$116,571.

24 Q What did Mr. Das do in order to -- excuse me.

25 What did Mr. Das do in terms of fundraising in the

1 last few days of 2017 to try to meet his year-end  
2 fundraising goal?

3 A He kind of hunkered down by himself. I'd say he decided  
4 he could focus better.

5 MR. KENDALL: Objection, your Honor. He's by  
6 himself. I don't know if he knows what he's doing.

7 THE COURT: Sustained.

8 Q What did Mr. Das tell you he wanted to do in terms of  
9 fundraising for the last few days of 2017?

10 A He wanted to do it unstaffed, without me.

11 Q Was that unusual?

12 A It's unusual. It's hard to keep the candidates focused  
13 when someone is not there.

14 Q Do you recall how much Mr. Das eventually raised in that  
15 first quarter of fundraising?

16 A Raised -- I don't have the number.

17 MS. WAN: I can show you Exhibit 2, please.

18 (Exhibit published to the jury.)

19 Q Do you recall that Mr. Das raised about \$425,000?

20 A Yeah, that being the number combined with the amount he  
21 loaned the campaign.

22 Q Were you involved in preparing this press release?

23 A I would have sent the numbers to the communications  
24 team.

25 Q And who's the communications team?

1 A Molly and Scott.

2 Q Now showing you Exhibit 17, which has been previously  
3 admitted.

4 What is this document?

5 A It's an email from Molly to me, and it looks like --  
6 okay. So it's a thread back and forth starting at the  
7 bottom where I'm giving her not only the amount but also  
8 some other information that might be helpful to her.

9 Q Where did you get this information that you're  
10 providing?

11 A This would be -- so it's in January. So the amount in  
12 our database, NGP, that would be anything from ActBlue that  
13 I could have downloaded from ActBlue and then uploaded into  
14 NGP, plus any contributions that Beej deposited via check.

15 Q You write: "Total revenue over \$425K. (his loans  
16 weren't always round numbers, waiting on the totals.)"

17 What do you mean by that?

18 A I'm waiting for Beej to tell me exactly what the loans  
19 were.

20 Q And who did you rely on to learn how much Mr. Das had  
21 loaned to the campaign?

22 A I relied on Beej.

23 Q And where did you get the information about the cash on  
24 hand that was reflected in the press release?

25 A The press release amount, that I believe was also from

1 Beej.

2 I'm trying to remember the press release. It was  
3 five-hundred-something thousand dollars. That number was  
4 from Beej.

5 Q Now, how did the campaign use the information about  
6 their fundraising totals when talking to additional donors?

7 A We used it as a sign of strength for our campaign.

8 Q And showing you Exhibit 18. Could you tell the jury  
9 generally what this document is.

10 A This is an email from Beej to Jay Shah cc'g me, and  
11 reporting out what we believe to be very good numbers.

12 MS. WAN: And, Ms. Comcowich, could you blow up the  
13 first paragraph.

14 Q And, Mr. Chast, could you read starting from the, "We  
15 hit..."

16 A "We hit the right numbers -- the press is eating it up.  
17 We announced that we raised 425,000 and have 550,000 on  
18 hands. WGBH's David Bernstein tweeted, 'Gotta pay attention  
19 to him folks' with respect to my numbers. Several of the  
20 Indian press organizations have also picked up the news.  
21 Here is a relevant clip."

22 Q And, Mr. Chast, who sent this email to Mr. Shah?

23 A Beej.

24 MS. WAN: Your Honor, I'm about to enter a new and  
25 substantive category of examination. Would you like me to

1 continue or --

2 THE COURT: No. I think this would be a good point  
3 to suspend rather than interrupt the next train of thought.

4 Jurors, I want to thank you for a really good day's  
5 work. I know it's been a long day. Tomorrow will be  
6 shorter. But please remember breakfast at eight or shortly  
7 thereafter will be waiting for you. And we'll get started  
8 right at nine o'clock. We will stay on time and keep this  
9 trial moving as efficiently as it did today.

10 So with thanks to the jurors, we will be adjourned  
11 until tomorrow at 9 a.m.

12 THE CLERK: All rise.

13 (Proceedings adjourned.)  
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I N D E X

OPENING STATEMENT BY THE GOVERNMENT.

Ms Wan: 17

OPENING STATEMENT BY THE DEFENSE.

Mr. Kendall: 35

<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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## E X H I B I T S

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162	12/13/17 email. Chaudhuri to	136
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Ferson and Das

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C E R T I F I C A T E

I, James P. Gibbons, Official Court Reporter for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes taken in the aforementioned matter to the best of my skill and ability.

/s/James P. Gibbons  
James P. Gibbons

February 4, 2025

JAMES P. GIBBONS, CSR, RPR, RMR  
Official Court Reporter  
1 Courthouse Way, Suite 7205  
Boston, Massachusetts 02210  
jamesgibbonsrpr@gmail.com